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## SUSQUEHANNA RIVER BASIN COMMISSION

### 18 CFR Part 806

### Review and Approval of Projects

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Final rule.

**SUMMARY:** This document contains final rules that would amend the project review regulations of the Susquehanna River Basin Commission (Commission) to modify provisions relating to the issuance of emergency certificates by the Executive Director.

**DATES:** Effective June 1, 2014.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Cairo, General Counsel, telephone: 717–238–0423, ext. 1306; fax: 717–238–2436; email: *rcairo@srbc.net.* Also, for further information on the final rulemaking, visit the Commission's Web site at *www.srbc.net.*

**SUPPLEMENTARY INFORMATION:**

### Comments and Responses to Proposed Rulemaking

Notice of proposed rulemaking was published in the **Federal Register** on December 26, 2012 (77 FR 75915); the New York Register on January 2, 2013; the Pennsylvania Bulletin on February 2, 2013; and the Maryland Register on January 11, 2013. The Commission convened a public hearing on February 14, 2013, in Harrisburg, Pennsylvania and a written comment period was held open through February 25, 2013. In addition to proposing modifications to 18 CFR 806.34, the Commission regulation authorizing the issuance of emergency certificates, the proposed rulemaking also advanced a new provision to include in the Commission's project review regulations that would impose limitations on surface and groundwater withdrawals in headwater areas. The Commission received numerous comments on the headwaters proposal. The Commission continues to evaluate those comments and will make an appropriate determination at a future date. Meanwhile, however, for the reasons articulated in the proposed rulemaking notice, the Commission is now proceeding with finalization of the provision in the proposed rulemaking related to the issuance of emergency certificates under 18 CFR 806.34.

The two main comments received on the proposed modifications to the emergency regulation were as follows:

1. The criteria for issuance of an emergency certificate should not be limited to human health and safety, or that of livestock, but should include all animal, aquaculture, agronomic, and horticultural operations for the production of fiber or forage crops.

2. Preservation of employment should be an additional consideration in the issuance of an emergency certificate.

The Commission has made revisions to the final rules in response to these comments, by including the protection of food, fiber or forage crops and the avoidance of significant disruptions in employment as eligible criteria.

### List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 806 as follows:

## PART 806—REVIEW AND APPROVAL OF PROJECTS

■ 1. The authority citation for Part 806 continues to read as follows:

**Authority:** Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91–575, 84 Stat. 1509 et seq.

### Subpart D—Terms and Conditions of Approval

■ 2. In § 806.34, revise paragraphs (a), (b) introductory text, (b)(2) introductory text, and (b)(2)(iii) to read as follows:

#### § 806.34 Emergencies.

(a) *Emergency certificates.* The other requirements of these regulations notwithstanding, in the event of an emergency requiring immediate action to protect the public health, safety and welfare or to avoid substantial and irreparable injury to any person, property, or water resources when circumstances do not permit a review and determination in the regular course of the regulations in this part, the Executive Director, with the concurrence of the chairperson of the Commission and the commissioner from the affected member state, may issue an emergency certificate authorizing a project sponsor to take such action as the Executive Director may deem necessary and proper in the circumstances, pending review and determination by the Commission as otherwise required by this part. In the exercise of such authority, consideration should be given to actions deemed necessary to sustain human life, health and safety, or that of livestock or food, fiber or forage crops, the maintenance of electric system reliability to serve such needs, to avoid significant disruption of employment, or any other such priorities that the Commission may establish from time to time utilizing its authority under Section 11.4 of the Compact related to drought emergencies.

(b) *Notification and application.* A project sponsor shall notify the Commission, prior to commencement of the project, that an emergency certificate is needed. In the case of a project operating under an existing Commission approval seeking emergency approval to modify, waive or partially waive one or more conditions of such approval, notice shall be provided to the Commission prior to initiating the operational changes associated with the request. If immediate action, as defined by this section, is required by a project sponsor and prior notice to the Commission is not possible, then the project sponsor must contact the Commission within one (1) business day of the action. Notification may be by certified mail, facsimile, telegram, mailgram, electronic mail or other form of written communication. This notification must be followed within one (1) business day by submission of the following:

* * * * *

(2) At a minimum, the application shall contain:

* * * * *

(iii) Location map and schematic of proposed project, or in the case of a

project operating under an existing Commission approval, the project approval reference and a description of the operational changes requested.

* * * * *

Dated: March 17, 2014.

**Stephanie L. Richardson,**

*Secretary to the Commission.*

[FR Doc. 2014–06323 Filed 3–21–14; 8:45 am]

**BILLING CODE 7040–01–P**

## LIBRARY OF CONGRESS

## U.S. Copyright Office

## 37 CFR Parts 201 and 203

**[Docket No. 2012–1]**

## Copyright Office Fees: Registration, Recordation and Related Services; Special Services; Licensing Division Services; FOIA Services

**AGENCY:** U.S. Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The United States Copyright Office of the Library of Congress is publishing a final rule establishing adjusted fees for its services. The adjusted fees will recover a significant part of the costs to the Office of registering copyright claims and provide greater cost recovery for certain other services provided by the Office. The new fee schedule reflects some increased and decreased fees, as well as some fees that the Office determined did not require adjustment. Under the new fee structure, the fee for online registration of a standard claim will increase from $35 to $55. However, a new online registration option for single works by single authors that are not works made for hire has been introduced at a lower fee of $35. In addition to fees for registration, related services, and special services, this final rule establishes updated fees for FOIA-related services.

**DATES:** This rule is effective May 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, or Chris Weston, Attorney-Advisor, Office of the General Counsel, at the U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707–8350.

**SUPPLEMENTARY INFORMATION:**

### I. Background

This final rule adjusts Copyright Office fees in accordance with the applicable provisions of title 17, United States Code (the ''Copyright Act'' or ''Act''). While some of the Office's services are free to the public—including the Public Information Office's provision of valuable guidance on copyright registration and other issues—the Office does charge fees for many of its services.[1] The Copyright Act provides that the Register of Copyrights may adjust the Office's fees based on a study of its costs for administering the registration of claims and recordation of documents and the provision of other services.[2] Since the Act was amended to provide for these adjustments, the Office has undertaken fee studies every several years and made changes accordingly. The Office last adjusted its fees in 2009.[3]

Section 708(a) of the Act specifies that ''[f]ees shall be paid to Register of Copyrights'' for the following services:

(1) Filing an application under Section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made
(2) Filing an application for registration of a claim for renewal of a subsisting copyright, including the issuance of a certificate of registration if registration is made
(3) Issuing a receipt for a deposit under Section 407
(4) Recording a transfer of copyright ownership or other document
(5) Filing a notice of intention to obtain a compulsory license under Section 115(b)
(6) Recording a statement revealing the identity of an author of an anonymous or pseudonymous work, or recording a statement relating to the death of an author
(7) Issuing an additional certificate of registration
(8) Issuing any other certification
(9) Making and reporting of a search, and any related services
(10) Filing a statement of account based on secondary transmissions of primary transmissions pursuant to Sections 119 and 122
(11) Filing a statement of account based on secondary transmissions of primary transmissions pursuant to Section 111

In addition, Section 708(a) authorizes the Register to fix fees for other services, such as the cost of preparing copies of Office records.

Section 708 contemplates two different fee-setting mechanisms. Fees for the services described in (1) through (9) above—which include the Office's registration and recordation functions and thus reflect especially important public policy objectives—are to be set forth in a proposed schedule that is sent to Congress 120 days before the adjusted fees can take effect.[4] Other fees, including those for the filing of cable and satellite statements of account under (10) and (11) and additional Office services, are not submitted to Congress but instead are established by the Register of Copyrights based on the Office's costs.[5]

Before proposing new fees for the services enumerated in (1) through (9), the Register must conduct a study of the Office's costs for registering claims, recording documents, and providing other services, and must consider the timing of any fee adjustments and the Office's authority to use the fees consistent with the Office's budget.[6] Section 708(b) further provides that the Register may adjust these fees to ''not more than necessary to cover the

[1] *See* 17 U.S.C. 708.

[2] *See* 17 U.S.C. 708(b).

[3] Fees, 74 FR 32805 (U.S. Copyright Office July 9, 2009). In 1997, Congress created a new fee system allowing the Office to set all of its fees by regulation rather than in the statute. An Act to make technical amendments to certain provisions of title 17, United States Code, Public Law 105–80, 111 Stat. 1529 (1997). Before then, Congress itself set the fees for certain basic copyright services, including registration and recordation (often referred to as ''statutory fees'') and the Register set the fees for other special services by regulation. In enacting statutory copyright fees, Congress considered a number of criteria, including the cost of providing the service, the value of the service to the Library of Congress, and the benefit of the service to the general public.

[4] 17 U.S.C. 708(b). The Register sent the proposed schedule to Congress on November 14, 2013. It is available at *http://www.copyright.gov/docs/newfees/USCOFeeStudy-Nov13.pdf.*

[5] *Id.* section 708(a). With the 2010 enactment of the Satellite Television Extension and Localism Act of 2010, Public Law 111–175, 124 Stat. 1218 (2010) (codified in Sections 111, 119, and 122 of title 17) (''STELA''), Congress for the first time authorized the Office to charge fees to licensees for the Office's processing of cable and satellite statements of account under the Section 111, 119, and 122 statutory licenses. Such fees are to be ''reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.'' 17 U.S.C. 708(a). To implement STELA, the Office conducted a study of its costs in relation to the filing of cable and satellite statements and solicited input from stakeholders on proposed fees through a notice and comment proceeding. *See* Copyright Office Fees, 77 FR 18742 (Mar. 28, 2012); Copyright Office Fees, 77 FR 72788 (Dec. 6, 2012), *both available at http://www.copyright.gov/docs/newfees/.* As noted above, the STELA fees are not required to be submitted to Congress. In November 2013, the Office issued a final rule establishing filing fees under STELA. *See* Copyright Office Fees: Cable and Satellite Statement of Account Fees, 78 FR 71498 (Nov. 29, 2013) (to be codified at 37 CFR pt. 201), *available at http://www.copyright.gov/docs/newfees/.*

[6] 17 U.S.C. 708(b)(1).

reasonable costs incurred by the Copyright Office for . . . [such services], plus a reasonable inflation adjustment to account for any estimated increase in costs.'' [7] Finally, Section 708(b) mandates that the ''[f]ees [so] established . . . shall be fair and equitable and give due consideration to the objectives of the copyright system.'' [8]

Additionally, when assessing fees for providing services under the Freedom of Information Act (''FOIA''), the Office considers Office of Management and Budget (''OMB'') guidelines that explain the methodology for setting such fees.

Pursuant to Section 708, the Office commenced its most recent cost study in October 2011. The Office began its work by compiling preliminary fee and service data from fiscal 2011 and followed this initial research with formal public outreach.

On January 24, 2012, the Office published a Notice of Inquiry (''NOI'') [9] seeking comments on the following two questions: (1) With respect to the standard [10] registration application fee, whether special consideration should be provided to individual author-claimants registering a single work; and (2) whether the Office should expand, improve, or add to its offerings, including, for example, additional expedited services and fee options.

The Office received ten comments in response to the initial inquiry.[11] A majority of the comments supported special consideration for author-claimants registering a single work. Other comments discussed potential additional services.[12]

After reviewing the initial comments from the NOI and the data from fiscal 2011, the Office published a Notice of Proposed Rulemaking (''NPR'') on March 28, 2012.[13] In the NPR, the Office set forth a proposed fee schedule, along with its reasoning. The NPR reviewed potential fee changes in four categories: (1) Registration, recordation, and related service fees; (2) other service fees; (3) Licensing Division fees; and (4) FOIA fees.[14] The Office explained that, for most of the fees, it had calculated its costs based on traditional methodology using an activity-based costing process to determine the full cost of each Office service.[15] The Office used OMB guidelines to determine proposed FOIA fees. Proposed fees for Licensing Division services were based either on a separate cost study that addressed the budget and expenditures of the Licensing Division or, in the case of Licensing Division services that parallel other services in the Office, were based on the cost study covering Office services.

The NPR proposed that the Office continue to offer both paper and electronic registration options for standard registration claims and continue to charge a higher fee for paper forms, which are less efficient than electronic forms for both the Office and applicants.[16] The Office also proposed offering a discounted registration fee for single authors who file an online claim for a single work that is not a work made for hire.[17] Referencing its obligation to consider the objectives of the copyright system, the Office noted the importance of independent authors' contributions to the nation's economy and to the Library of Congress's collections.[18] It also noted that many who commented on the NOI supported a lower fee in such situations.[19]

The NPR proposed the following fees for standard registration claims: $100 for paper applications (up from $65); and $65 for other electronic claims (up from $35). Additionally, the Office recommended a fee of $45 for the new category of single authors filing online claims for single works not made for hire.[20] In this regard, it should be noted that the $35 online application fee initiated in 2009 was discounted to encourage electronic registrations. Prior to that, the fee for standard applications had been universally set at $45. The Office also proposed raising the fees applicable to group registrations, including for groups of published photographs.[21]

The NPR also proposed new fees for renewal forms. The Office proposed reducing renewal fees from $115 to $100.[22] Similarly, the Office proposed lowering the fee for filing a Renewal Addendum, the necessary filing for renewal when standard registration for the work was not made during the original term, from $220 to $100.[23] The Office proposed these reductions because renewals are no longer required to secure the full term of copyright protection and it is not feasible to attempt full cost recovery.[24] The NPR noted that setting a fee ''to recover full cost would be prohibitive and negate the goals of the Office in encouraging registration of these older claims, many of which may still be commercially viable, and incorporating these claims into the public record.'' [25]

Additionally, the NPR discussed raising fees for other Office services. It proposed raising the basic recordation fee from $105 to $120 and the fee for each additional ten titles recorded from $30 to $35.[26] The Office suggested these increases because, on the whole, it has not recovered the cost of processing recordations in recent years.[27] The Office further recommended increased fees for certification services and issuance of receipts for deposits under 17 U.S.C. 407.[28] The Office also proposed raising the fee for search reports prepared from Office records to $200 per hour with a two-hour minimum.[29]

The NPR discussed potential changes to the Office's service fees, which include fees for expedited service (or ''special handling''), secure test processing, requests to reconsider rejections of claims, and reproduction of Office records, among other things. The Office proposed increasing the fees for many of these services, with many of

[7] *Id.* section 708(b)(2).

[8] *Id.* section 708(b)(4).

[9] Copyright Office Fees, 77 FR 3506 (Jan. 24, 2012).

[10] The Office previously referred to the most common registration filings (including for single authors claiming single works) as ''basic'' applications and registrations. The Office recently began using the term ''standard'' so it could differentiate between the newly introduced single author/single work offering—which the Office refers to as the ''single application'' option—and other traditional ''basic'' registrations, which it now refers to as ''standard.''

[11] The comments can be viewed on the Copyright Office Web site at *http://www.copyright.gov/docs/newfees/.*

[12] While the NOI requested comments on additional categories of services, and the Office may continue to explore these issues, at present it lacks sufficient information to proceed with the potential expansion of its special handling or expedited services. In addition, the NOI garnered a number of proposals that the Office appreciates but that could not be addressed solely in the context of a fee study, including: Whether photographers could pay a flat fee for registration of photographs in the context of a business-to-business submission model; whether copyright registration certificates and/or recorded documents could be made available online for free; and whether the Office should accept deposits of works in electronic formats that might be insufficient for the Library's ''best edition'' requirement.

[13] Copyright Office Fees, 77 FR 18742 (Mar. 28, 2012).

[14] Some of the fees discussed in the NPR, including various service fees, Licensing Division fees, and FOIA fees, are set by the Office pursuant to its authority under Section 708(a) rather than through the Section 708(b) process, and hence were not discussed in the proposed schedule submitted to Congress.

[15] 77 FR at 18743.

[16] *Id.* 18743.

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] *Id.* 18744.

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

these proposals reflecting cost increases. The Office, however, did not propose increased fees for all services (*e.g.,* photocopying fees), and recommended that some fees be lowered.[30]

Regarding expedited handling, the NPR noted that the proposed cost increase reflected inflationary changes and that the Office declined to add additional expedited handling categories at this time.[31] The NPR also stated that the fees for secure test processing should be increased because the review process could include one or more staff members and thus be quite labor intensive.[32] Finally, the NPR explained that, while the Office was not proposing an increase in the fees for requests for reconsideration of rejected claims, it did propose that each request be limited to a single claim.[33]

The NPR also proposed new fees for filing Notices of Intent under Section 115 of the Copyright Act. The Office accepts Notices of Intent when a user cannot serve the requisite notice of use of a musical work on the copyright owner pursuant to Section 115 because Office records do not reflect the owner's identity and address.[34] Recently, there has been an exponential expansion of these notices due to the increased use of musical works by online services.[35] The Office thus is developing an electronic filing system for these notices and, as part of its study, undertook to determine updated filing fees for Notices of Intent.[36] Based on the Office's study, it proposed a fee of $75 for a notice with a single title, and for notices incorporating additional titles, a fee of $20 per ten additional titles submitted on paper and $10 per one hundred additional titles submitted electronically.[37]

Finally, the NPR addressed fees for responding to FOIA requests. The Office noted that it has not adjusted its FOIA fees since 1999. Following the OMB guidelines, which specify that FOIA fees should be established using direct costs, the Office proposed fees as follows: (1) For searches conducted by administrative staff, $15 for the first half hour and $7.50 for each additional fifteen minutes; and (2) for searches provided by professional staff, $35 for the first half hour and $17.50 for each additional fifteen minutes.[38] Similarly, the Office proposed adopting new fees for reviewing the documents at the same rates as those proposed for a FOIA search by administrative and professional staff, although the fees for reviewing the documents would be based on fifteen-minute increments and without a minimum fee.[39] Finally, the Office proposed to eliminate the separate FOIA fee for a copy of a certificate of copyright registration and the separate FOIA fee for certification services, currently referenced in 37 CFR 203.6(b)(1), (4), respectively, as those fees are to be assessed in accordance with the fees for those services as provided in the Office's general fee schedule.[40]

The Office received 138 comments in response to the NPR. Some of the commenters requested that the Office expand the definition of single claimant/single author, review the renewal fees, and look to discount bulk registrations. The majority, however, expressed concerns about the proposed fee increases generally. The comments came from a wide range of stakeholders, including photographers, visual artists, several major associations, and others, among them the American Association of Independent Music (''A2IM''), Association of American Publishers, ProQuest, EMI CMG Publishing, Graphic Artists Guild, American Photographic Artists, and the Copyright Alliance.

Some of the comments focused on authors' financial challenges and their difficulty in shouldering higher costs. For example, A2IM argued that ''[t]he combination of dedicated anti-piracy resources and regulatory/judicial resources now required of our members to defend their businesses are resources that our [small and medium sized enterprises] simply do not have the financial means or administrative means to meet.''[41] Similarly, the American Society of Media Photographers and Professional Photographers of America claimed that ''proposed fee increases would be catastrophic for working photographers and would drastically reduce the frequency of their copyright registrations,'' which would be ''devastating to photographers and detrimental to the public record, users of photographs, and the Copyright Office.''[42] Some of these comments specified the potential harm in raising group registration rates for published photographs, noting that ''a price increase that nearly doubles the cost of group registration for photographers appears to fly in the face of the Copyright Office's mission to increase participation in the registration process.''[43]

After carefully considering its costs and the comments in response to the NPR, on November 14, 2013, the Office submitted a proposed fee schedule to Congress. The schedule addressed those fees authorized by Section 708(a)(1)–(9), including fees for registration and recordation, and its recommendations are followed in this notice and final rule. By statute, Congress has 120 days to enact a law disapproving the Office's proposed fee schedule; if it does not, the Register may institute the proposed fees in a final rule.[44] Now that 120 days have elapsed without the enactment of contrary legislation, the Office is hereby providing notice of the new fee schedule, to go into effect on May 1, 2014. This final rule also sets forth fees for other additional Office services that the Register is authorized to establish through its rulemaking authority without the need to submit them to Congress.[45]

## II. Fee Setting Methodology

In conducting its fee study, the Office considered established accounting procedures used by other governmental entities, including the Federal Accounting Standards Advisory Board's (''FASAB's'') guidelines for determining the full cost of federal agency program activities[46] and the OMB's *Circular A–25 Revised: User Charge*[47] document regarding costing guidelines and establishing user fees.[48]

The Office looked primarily to two models to evaluate its costs, namely the additive and activity-based methods.

[30] *Id.*

[31] *Id.* 18745.

[32] *Id.*

[33] *Id.*

[34] 17 U.S.C. 115(b).

[35] 77 FR at 18745.

[36] *Id.* 18745–46.

[37] *Id.* 18746.

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] Comments of the Am. Ass'n of Independent Music (''A2IM'') at 1 (May 3, 2012).

[42] Joint Comments of Am. Soc'y of Media Photographers & Prof'l Photographers of Am. at 2 (May 14, 2012).

[43] *Id.* 3.

[44] 17 U.S.C. 708(b)(5).

[45] *See id.* section 708. The fees set in 37 CFR 201.3(e)(6) and (7) (the STELA implementation fees) went into effect on January 1, 2014. They are included in the fee schedule set forth in this Final Rule for ease of insertion into the Code of Federal Regulations.

[46] This includes FASAB's *Managerial Cost Accounting Concepts and Standards for the Federal Government,* which promotes activity-based costing for calculating the cost of providing services. *See* Office of Mgmt. & Budget, *Statement #4/Managerial Cost Accounting Concepts and Standards for the Federal Government* (July 31, 1995), *http://www.fasab.gov/pdffiles/sffas-4.pdf.*

[47] *See* Office of Mgmt. & Budget, *Circular No. A–25 Revised, http://www.whitehouse.gov/omb/circulars_a025.*

[48] Among other things, *Circular A–25* provides that services with a broad-reaching benefit generally need not recover their full costs, whereas special services, *i.e.,* those that provide a particular benefit to a particular customer, may recover more than their full cost. The excess revenue collected from special services fees can offset losses accruing from other fees that may not recover their full cost.

The vast majority of costs were assessed using the activity-based method. Under this approach, the Office calculated how much each service cost the Office to provide after reviewing both the direct and indirect costs in fiscal 2011. Section 115 filings, which are separately administered by the Licensing Division, and Section 407 receipts, a low-volume service that could not be properly considered through the activity-based model, were evaluated using an additive methodology, which assessed staff time devoted to particular tasks. FOIA fees as well were reviewed based on the additive methodology.

Unlike earlier cost studies, to better capture the costs of its services, the Office included some costs that had previously been excluded, including Office of the General Counsel's regulatory activities, which support fee services, and Public Information Office time spent answering registration-related questions. As in previous studies, the study continued to exclude costs associated with the policy and international programs, mandatory deposit program, and programs dedicated to providing general education and information to the public. These exclusions generally relate to staff that work primarily in the Office of the General Counsel, the Office of Policy and International Affairs, the Publications Section, the Public Information Office, and the Copyright Acquisitions Division.

Against this backdrop, the Office undertook a comprehensive review of the fees associated with its various activities. Most copyright processes are labor intensive and staff activity costs can be linked to the various fee services. Under an activity-based approach, personnel resource costs are assigned to specific activities. For example, mailroom personnel in the Receipt Analysis and Control Division are assigned to the activity called ''sort mail'' (among others), and a determination is made as to the proportion of their time spent on that activity. In the case of personnel costs associated with administration at the division level, costs are apportioned among the activities within the division. Office-wide administrative costs, such as the Register's time and that of her administrative staff, are similarly apportioned. In this way, the Office can capture direct and indirect personnel costs associated with each activity.

The next step in the process is the assignment of non-personnel costs. If non-personnel costs are associated with just one fee service, they were directly assigned to that activity. For example, the maintenance costs for the eCO system, the online copyright registration system, are assigned directly to the Copyright Technology Office activity eCO. Other non-personnel costs associated with multiple services were allocated proportionately among all relevant activities. Once all non-personnel costs are assigned to an activity, those costs are incorporated into the overall costs for the various fee services. Using an earlier example, the sort mail activity was considered a cost for each fee service that is dependent upon incoming mail including, for example, paper registrations, renewals, and document recordations.

Using these cost determinations as a starting point, the Office considered statutory fee-setting requirements and economic factors, including changes in cost due to inflation. Economic factors, including price elasticity,[49] also played a role in setting the Office's fees. The Office considers elasticity when assessing whether fee receipts will recover the appropriate percentage of costs, both individually and collectively. The Office has determined that a majority of its fees are price elastic and that it experiences a reduction in demand when fees are increased. While external factors, such as the economy, also influence filing volume, there is a demonstrated inverse relationship between the increase in fees and the number of claims filed.

Registration filing and document recordation are two of the most heavily used services, generating well over 90% of the Office's fee receipts. These two categories of fees are quite vulnerable to a decline in demand as fees increase. For example, in the months following a recent fee increase more modest than the one proposed here, registration filings dropped as much as 17%.[50] Therefore, the Office expects a rather significant short-term decrease in filings upon the implementation of the new fees, which should lessen as filers adjust to the fees. Recognizing this fact, the Office must set fees such that each new fee recovers a reasonable percentage of the cost of processing the claim but does not drive down usership to a point where overall receipts decrease.

Additionally, the Office must ensure that fee receipts are sufficient to sustain the Office's operations, taking into account fluctuations in filing volumes, whether brought on by increased fees and/or other economic factors in the marketplace. It is important that fee receipts bring in enough revenue to cover the greater part of the Office's operations annually and sustain a reserve fund for use in the event of a short-term budgetary shortfall.

The Office reviewed FOIA fees based on the additive methodology and in accordance with the OMB Uniform Freedom of Information Act Fee Schedule and Guidelines.[51] The OMB guidelines state that agencies such as the Office may recoup the full allowable direct costs they incur in responding to FOIA requests. They also state that agencies may establish separate rates for searching records and reviewing responsive records to determine issues such as the applicability of an exemption. The Office is thus adopting a two-tiered fee structure for searches and reviews to reflect the direct costs of the service depending upon the level of the personnel conducting the search. Specifically, the Office is implementing one set of fees for searches conducted by professional staff and another set of fees for searches conducted by administrative staff.

Finally, the Office also took care to consider the overall objectives of the copyright system in developing its fee schedule.

## III. Final Regulation

Based on its study, the Office has determined that some fees should increase, some should decrease, and some should remain the same. From past experience, it is certain that any increase in fees will result in fewer claims, at least temporarily in the time frame immediately following implementation. It is anticipated, however, that, at the fee levels proposed, revenues lost due to a decrease in the number of claims will be offset by revenues generated from the higher fees and ultimately result in an increase in overall fee receipts. The Office estimates that revenues generated by the proposed fees will be roughly $28 million annually.

Below is a further explanation of the Office's final rule with respect to particular fee categories.

### *a. Registration, Recordation, and Related Services Fees*

The Office is modifying several fees relating to registration, recordation, and associated services. Some of these adjustments merely account for changes to costs for existing services and the Office's overall level of cost recovery. In

[49] Elasticity is the term used to ''measure[ ] how much the quantity demanded responds to a change in price.'' Joshua Gans, Stephen King, Robin Stonecash, & N. Gregory Mankiw, Principles of Economics 90 (5th ed. 2012) (defining price elasticity).

[50] Number based on the decline of registrations after the introduction of new fees in fiscal year 2007.

[51] 52 FR 10012 (Mar. 27, 1987).

the case of registration and other core Office services, the fees also reflect the public's interest in a robust and accurate record of copyright information, including authorship, licensing information, and public domain status. Finally, in some cases, the Office is not making a change, as there are certain instances where the Office has determined that no adjustment was required.

i. Standard Registrations

- Fee for applications filed online to increase from $35 to $55
- Fee for applications filed on paper to increase from $65 to $85

The Office offers applicants two options for filing standard applications: (1) Electronic filing through the Office's eCO system; and (2) paper filing using a traditional hard copy application.[52] Currently, the vast majority of applicants use the online filing option; the Office receives approximately 91% of new copyright claims through eCO. Electronic filings cost the Office less to process than paper applications. Additionally, online applications are attractive because, on average, the Office requires between two and five months to complete most claims filed electronically, versus five to eleven months to complete most claims filed on a paper application.

In reviewing its registration fees, the Office closely examined its costs and the degree to which they are recovered under the existing fee structure. Using an average weighted by claim volume,[53] the Office recovered only 65% of the cost to process an online claim and 63% of the cost to process paper applications during fiscal 2011. These figures support the Office's proposal to increase fees for both options, in order to recover a larger percentage of the Office's costs. It is estimated that the new fees (including the single author/single work fee discussed below) would recover 73% of the costs of processing electronic claims and 68% of the costs of processing paper applications.

The Office recognizes the value of paper applications for those applicants who do not have adequate access to the Office's online system or who have other reasons to prefer paper filings. At the same time, the substantially higher costs of processing paper applications as compared to the more efficient electronic process continues to justify a higher fee for paper applications. Accordingly, the Office will continue to charge different filing fees for these applications. For electronic applications for standard registration claims, the Office is raising the current fee from $35 to $55. Though this is a $20 increase over the current fee, as mentioned above, the current fee of $35 was lowered from the then-existing fee of $45 after the Office's launch of its eCO system in order to incentivize electronic filings. The final $55 fee is thus only $10 more than the Office's prior non-discounted filing fee. Moreover, the $55 fee is less than the $65 fee that was proposed in the NPR, thus responding to public comments concerned with the amount of the increase for electronic filing.[54]

The Office is increasing the existing $65 fee for paper applications to $85. This change will provide the Office more cost recovery for the inefficiencies of paper filings. The Office notes that the fee of $85 is significantly lower than the $100 fee proposed in the NPR. The revised fee accounts for the Office's consideration of public comments arguing that a $100 fee was unduly harsh.[55] After reviewing the comments, the Office concluded that, while budget and cost considerations mandate an increase, the increase should be more modest in light of the significant public interest in registration, including through a paper-based process.

ii. Single Author, Single Work Applications Filed Online

- Fee for single registration application filed online by a single author for a single work not made for hire to remain at $35

As discussed above, the Office is committed to maintaining an affordable copyright registration system and understands that works of independent creators fuel the nation's economy and are critical to the Library of Congress' collections. Moreover, if individual authors do not register and are not part of the public database, they—more than any other group of copyright owners—may be difficult to find.

In making the decision to add a new registration category for individual authors, the Office took into account a large number of public comments advocating for a lower fee. Commenters noted, as did the Office, that such applications are easier to process, that registration provides important remedies for the author, and that registration benefits the public by creating a more robust public record. As one commenter noted, ''[Office] [s]ervices which facilitate individual author-claimants registering a single work that is not a work made for hire . . . promote and protect authorship and potentially sharpen the chain of title documentation. . . .''[56] Those supporting a reduced fee for single author/single work claims came from a variety of backgrounds, including the performing and visual arts. The Office believes this option will serve a wide range of authors.[57]

iii. Group Registration, Mask Work, and Vessel Hull Fees

- Fees for registration of a claim in a group of contributions to a periodical (Form GR/CP) or database updates to increase from $65 to $85
- Fees for group registration of published photographs or registration of automated databases that predominately consist of photographs and updates thereto: for paper filings, fee will remain at $65 and for electronic filings, fee will increase from $35 to $55
- Fees for registration of a claim in a group of serials (Form SE/Group) (per issue, minimum of two issues) to remain at $25
- Fees for registration of a claim in a group of daily newspapers and qualified newsletters (Form G/DN) to remain at $80

[52] The Office eliminated Form CO in the summer of 2012, thus leaving only two methods for filing a standard registration claim. *See* Discontinuance of Form CO in Registration Practices, 77 FR 18705 (U.S. Copyright Office Mar. 28, 2012); Discontinuance of Form CO in Registration Practices Correction, 77 FR 29988 (U.S. Copyright Office Apr. 9, 2012).

[53] For example, claims for LIT were weighted more heavily than claims for VA in calculating average volume because the Office receives more LIT claims than VA claims.

[54] *See, e.g.,* Comments of the Ass'n of Am. Publishers at 2 (''[T]he pending proposal to nearly *double* current online registration fees would, if adopted, lead many [publishers], especially but not exclusively the small or non-profit publishers, to reevaluate the categories of works currently being registered with the objective of reducing their registration costs.'') (emphasis in original).

[55] *See, e.g.,* Joint Comments of Am. Soc'y of Media Photographers & Prof'l Photographers of Am. at 3 (May 14, 2012) (''Although we recognize the Copyright Office's desire to encourage registrants to use the eCO registration platform over Form VA, we believe that nearly doubling the cost for those adept at using Form VA would create a significant deterrent to registration in its entirety.''); Comments of *ArtistsUndertheDome.org* at 2 (May 14, 2012) (''The . . . $100 [fee] is unacceptable . . . those who use paper filing systems tend to be older, do not have access to the internet or fast internet services such as broadband, and/or they tend to be lower income. . . . These proposed increased fees will mean less artists will be able to afford to register their copyright(s).'').

[56] Comments of Indep. Film & Television Alliance at 1 (Feb. 23, 2012).

[57] After proposing this option, the Office published an additional **Federal Register** notice explaining that the single author/single claim application was available for use on the Office's eCO system. *See* Single Application Option, 78 FR 38843 (U.S. Copyright Office June 28, 2013). In the past several months, applicants have begun to use the new procedure, allowing the Office to assess how best to implement the process and assist individual authors.

- Fees for registration of a claim in a mask work (Form MW) to increase from $105 to $120
- Fees for registration of a claim in a vessel hull (Form D/VH) to increase from $220 to $400

The Office has determined that the fees for registration of some but not all types of group claims should be adjusted.

The fee to register a claim in a group of contributions to a periodical—a paper-based process that is labor-intensive—will increase from $65 to $85.

In the case of both serials and newspapers, where the Office's cost recovery currently appears adequate, the Office is not making an adjustment. Although the NPR had indicated that these two latter categories of fees would also be subject to an increase, upon further analysis, the Office believes that the current fees remain appropriate.

Similarly, for paper applications for groups of published photographs and for automated databases that predominately consist of photographs and updates thereto, the Office is making no increase. Despite its initial proposal to increase this fee, the Office now believes it should remain at $65. Comments received in response to the Office's initial fee proposal demonstrate that photographers face particular challenges with the registration process due to the large quantities of works they often create in brief periods of time.[58] In light of these conditions, the Office is continuing to study how best to facilitate photographers' registration of their works. Thus, while the Office may alter the fee structure for registration of groups of published photographs in the future, the fee for paper applications will not change now.

For electronic applications for these types of photograph claims, however, the fee will increase from $35 to $55, so it is consistent with the fees for other electronic applications.[59]

Finally, the mask work and vessel hull registration fees are being increased to recover a greater percentage of the costs of processing these claims.

iv. Other Registration Fees

- Fee for registration of a claim in a restored copyright (Form GATT) to increase from $65 to $85
- Fee for registration of a correction or amplification to a claim (Form CA) to increase from $100 to $130

After reviewing its costs, the Office determined that current fees do not offset a sufficient percentage of the Office's costs in accepting registrations for paper-based claims, which include claims in restored copyrights (Form GATT). In addition, it concluded that the current fee for filing a registration of a correction or amplification to a claim (Form CA), another paper-based process, was insufficient. Paper-based processes are considerably less efficient than electronic registration. Accordingly, the Office is increasing both of these fees.

v. Renewal Fees

- Fee for renewal application to decrease from $115 to $100
- Fee for renewal addendum to decrease from $220 to $100

The Office is making these reductions due to the unique nature of renewals in the history of copyright law and recent experiences in reviewing renewal documents. Under prior law, certain copyright claims had to be renewed with the Office in their twenty-eighth year of protection to remain valid for the remainder of their terms. The current Act changed the renewal requirement; a renewal is no longer necessary to secure the full term of copyright protection. Nonetheless, for pre-1978 works, renewal registration still offers certain benefits for the owner and the public.

There has been a dramatic decrease in renewal registrations over the past seven years, likely due to the change in law and increased fees associated with renewal. In this same time frame, some of those who may have benefited from filing renewal registrations have instead mistakenly attempted to file initial claims of registration. Dwindling and incorrect renewal registrations diminish the public record, thus harming the Office's overall mission to serve as a robust repository of copyright information.

The Office's decision to lower the renewal fee to $100 should encourage the filing of more renewal claims. Similarly, the fee for a renewal addendum, an additional requirement when standard registration for the work was not made during the original term, will also be lower. A renewal addendum documents the copyright status of a work, thus allowing users to know whether the work is under copyright protection. The Office believes that the lower fees for renewals and renewal addendums strike the appropriate balance between cost recovery and the public record.

vi. Recordation of Documents

- Fee for recordation of a document to remain at $105
- Fee for recording groups of up to ten additional titles associated with that document to increase from $30 to $35

In the NPR, the Office proposed increases to its recordation fees to help the Office better recover costs in this area. The Office's eCO system permits electronic registration of copyright claims. By contrast, the Office's recordation system—which is not part of eCO—remains a largely paper-driven process. Although the Office recovers the cost of recording simple documents, it has been unable to recover the full cost associated with processing more substantial documents that include multiple titles of copyrighted works. The titles, which can number in the thousands, must each be individually indexed.

Recordation of copyright transfers and other copyright-related documents is a voluntary process but critical to maintaining a public record of copyright ownership. The proposed increase to $35 for each ten additional titles associated with a recorded document will allow for greater cost recovery in the case of more complicated filings but should not be unduly burdensome for filers. At the same time, upon further analysis of its costs, the Office has determined that it is not necessary to change the existing fee of $105 for its basic recordation service, where it is already achieving full recovery.

The Office is currently considering how to migrate its recordation function to an electronic system, a process which may require both statutory changes and technological upgrades, and will continue to evaluate its recordation fees as that process moves forward.[60]

vii. Certification Fees

- Fee for issuance of additional certificate of registration to increase from $35 to $40
- Fee for certification of other Office records, including search reports, to increase from $165 to $200 per hour

Based on the cost study, the Office is enacting a modest increase to the fee for issuance of additional certificates of registration. Even though this could yield fee receipts slightly above the Office's costs of providing additional certificates, the limited increase is appropriate under the fee-setting principles articulated in OMB's Circular A–25 because the service in question

[58] *See, e.g.,* Joint Comments of the Am. Soc'y of Media Photographers & Prof'l Photographers of Am. (May 4, 2012); Comments of Nat'l Press Photographers Ass'n (May 14, 2012).

[59] Although both the NPR and the proposed schedule submitted to Congress tacitly subsumed these electronic group photograph applications under ''standard'' applications filed online, because they are not truly ''standard,'' this final rule clarifies their separate status as group applications.

[60] The Office is looking at this issue in several ways, including through stakeholder meetings, technology assessments, and scholarly analysis as to the recordation requirements of title 17.

benefits only the individual requester and any excess fee receipts can be used to subsidize other services with lower cost recovery. Moreover, at $40, the new fee remains reasonable for requesters.

With respect to other types of Office records and search reports, as in past cost studies, the Office has determined that fee receipts cover less than the actual costs of providing certification services. The Office recognizes, however, that users need to be able to obtain certified copies of Office records for legal and other purposes. Although the Office is proposing an increase in its fee for these additional certification services to $200 per hour, it has been mindful of its duty to balance the goal of cost recovery against the need for access to reliable public records. It is therefore establishing this fee below full cost recovery.

viii. Search Reports and Records Retrieval

- Fee for reference search reports (other than Licensing Division reports) to increase from $165 to $200 per hour, with a two-hour minimum
- Fee for estimate of search fee to increase from $115 to $200 (applied against the search charges)
- Fee for retrieval of in-process or completed Copyright Office records or other materials to increase from $165 to $200 for both paper records (per hour, one hour minimum) and digital records (per hour, half hour minimum, quarter hour increments)

The Office's imposition of a two hour minimum charge in 2009 for search reports prepared from Office records (other than those prepared from Licensing Division records) resulted in a substantial increase in cost recovery. Nevertheless, as in past cost studies, the Office has found that the fee covers only a portion of the actual cost of providing the reference search service. To achieve full cost recovery would render the cost too high for the average user as a practical matter. A very high fee also prejudices users who, for legal reasons, are required to have the Office conduct a search.

Accordingly, the Office is implementing a fee increase from $165 to $200 per hour for search reports, again with a two hour minimum (other than for reports prepared from Licensing Division records). To permit additional cost recovery, the Office will also increase the estimate of search fee—which covers the cost of estimating the total fees for a search and is credited against the hourly search fee—from $115 to $200.

Finally, the fee increase for retrieval of in-process or completed Copyright Office records or other Copyright Office materials is consistent with the Office's need to more fully recover the cost of its services.

ix. Other Services

- Fee for preregistration of certain unpublished works to be increased from $115 to $140
- Fee for recordation of a designation of an agent under Section 512(c)(2) to remain at $105, with the fee for additional names (per group of 1 to 10) to be increased from $30 to $35
- Fee for issuance of a receipt for a Section 407 deposit to remain at $30

The fee increases for preregistration of certain unpublished works and for recordation of additional names (in groups of 1 to 10) in conjunction with the designation of an agent to receive notices of infringement under Section 512(c)(2) of title 17 (codifying Section 202 of title II of the Digital Millennium Copyright Act (''DMCA'')) were set forth in the NPR and did not elicit any comments, so the Office is implementing these fee increases as proposed. The Office believes that the current fees applicable to recording the designation of a DMCA agent itself and for issuance of a receipt for a Section 407 deposit are adequate, so these will remain unchanged.[61]

*b. Special Services Fees*

i. Special Handling

- Fee for special handling of registration claims to increase from $760 to $800, with the handling fee for each non-special handling claim using the same deposit to remain at $50
- Fee for special handling of document recordation to increase from $480 to $550
- Fee for special handling of a search report to increase from $280 to $300 per hour (for up to two hours)[62]
- Fee for special handling of retrieval, certification, and copying requests to increase from $265 to $305 per hour

The surcharges assessed for obtaining expedited registration, recordation and other services reflect a premium payment for the value of the expedited service to the individual requester. The Office believes that increases to these fees are both reasonable and justified in light of the diversion of Office resources that is required to provide this type of specialized handling for individual customers.

ii. Secure Test Processing

- Fee for secure test processing to increase from $165 to $250 per staff member per hour

The Office provides specialized services for secure test processing, specifically a private review of the full deposit of a secure test that involves a comparison of the deposit with identifying material that does not disclose confidential content. The Office is implementing the above fee increase based on the cost of supplying this service. The charge will be applied per staff member because two or more staff members may be required to expedite the review of the deposits.

iii. Requests for Reconsideration of Rejections of Claims (Appeals)

- Fee for first request for reconsideration to remain at $250 (but the option of adding claims beyond those in the subject registration is no longer available)
- Fee for second request for reconsideration to remain at $500 (but the option of adding claims beyond those in the subject registration is no longer available)

The Office is not changing the fees for the first and second reconsideration of a single claim, in part because the Office recognizes that an increase in fees may impede a claimant from pursuing administrative review of a rejected claim. The Office is, however, eliminating its practice of allowing applicants to include multiple related claims that were *not* covered by a single application in a single request for reconsideration. Previously, the Office allowed applicants to consolidate requests to reconsider works from different applications if the works were related. It is not, however, necessarily more efficient to review multiple claims, because each claim must still be analyzed separately. Thus, the Office is making a change to the process so that the fee for a request for reconsideration will cover only the work or works included in a single original claim for registration.

iv. Deposit Copies

- Fee for handling an extra deposit copy for certification to increase from $45 to $50

[61] The Office notes that it is currently engaged in efforts to convert its DMCA agent registration system to a fully electronic process. The introduction of a new system will likely result in future adjustment of the fees applicable to recordations under Section 512(c)(2).

[62] This service is currently described as ''expedited search report'' and priced at $445 per hour, a number that combines the basic search report fee with the surcharge for expedited service. In this final rule, the Office has separated the two fees, so that the new $300 hourly fee represents only the surcharge on top of the new $200 hourly fee for the search report.

- Fee for full-term retention of a published deposit to increase from $470 to $540

The Office believes that fees for handling extra deposit copies for certification and for full-term retention of published deposits should be increased to reflect the specialized nature of these services, which benefit individual customers.

v. Copying Fees

- Fee for black and white photocopies on 8½ x 11 paper to remain at $0.50 per page with a $12 minimum
- Fee for black and white photocopies on 11 x 17 paper to remain at $1 per page with a $12 minimum
- Fee for color photocopies on 8½ x 11 paper to remain at $2 per page with a $12 minimum
- Fee for color photocopies on 11 x 17 paper to remain at $4 per page with a $12 minimum
- Fee for copies of audiocassettes and videocassettes to remain at $75 for the first 30 minutes and at $20 for each additional fifteen-minute increment
- Fee for copies of CDs or DVDs to be reduced from $100 to $30
- Fee for new service of copying to flash drives to be established at $30
- Fee for copying to unsupported formats and other copying of materials by outside providers to be at cost of provider

Based upon consultation with those who provide copying services, the Office finds that it is advisable to maintain the current fees for most copying services. The Office is, however, reducing the fee for copying CDs and DVDs due to lower copying costs. Additionally, the fee for copying to formats unsupported by the Office will be what the provider charges the Copyright Office. The Office no longer directly handles photographs, slides, zip drives, and floppy discs, so the fees for copying in these formats will be assessed at the cost of the provider. Similarly, in the case of copies that the Office must request from the Library of Congress's Duplication Services, the Office will pass along the actual cost to the customer.

vi. Other Special Services Fees

- Fee for service charge for deposit account overdraft to increase from $165 to $250
- Fee for service charge for dishonored deposit account replenishment check to increase from $85 to $100
- Fee for service charge for an uncollectible or non-negotiable payment to increase from $25 to $30
- Fee for service charge for Federal Express mailing to increase from $40 to $45
- Fee for notice to libraries and archives to remain at $50, with the fee for each additional title to remain at $20
- Fee for the service charge for delivery of documents via facsimile (per page, seven-page maximum) to remain at $1 per page

The Office finds that it is appropriate to raise fees for some other special services in order to improve cost recovery. Specifically, after reviewing the costs of the above services, the Office has determined these fees should be raised except for fees for notices to libraries and archives and those for facsimile delivery services.

*c. Licensing Division Fees*

i. Recordation of a Notice of Intention To Make and Distribute Phonorecords Under Section 115

- Fee for filing a basic notice with a single title to increase from $60 to $75
- Fee for paper filing of additional titles to remain at $20 per set of ten titles
- Fee for electronic filing of additional titles to be established at $10 per set of one hundred titles

With the rise of digital services offering expansive catalogs of music, many more users seek to file notices of intent to avail themselves of the Section 115 statutory license when they cannot identify or locate the owners of particular musical works in Office records. In 2009, the Office responded by adjusting its Section 115 filing fees to accommodate the submission of multiple titles at the same time. More recently, the Office has initiated a test of an electronic filing option to allow for more cost-effective processing of digitally submitted notices with multiple titles. While the new fees reflect the higher costs of handling single-title notices, they also take into consideration the cost savings associated with electronic submission of multiple titles by adopting a substantially lower per-title fee for such submissions.

ii. Recordation of Licensing Agreements and Contracts

- Filing fee for recordation of a licensing agreement pursuant to 17 U.S.C. 118 to remain at $140
- Fee for recordation of certain contracts by cable television systems located outside the forty-eight contiguous states pursuant to 17 U.S.C. 111 to remain at $50

The Office determined that it was not necessary to increase the fees for recordation of a licensing agreement under Section 118 or for recordation of certain contracts by cable systems as provided under Section 111, so these fees will remain at their current levels.

iii. Other Licensing Division Fees

- Fee for statement of account amendment (cable television systems and satellite carriers, 17 U.S.C. 111 and 119; digital audio recording devices or media, 17 U.S.C. 1003) to increase from $100 to $150
- Fee for notice of digital transmission of sound recording (Sections 112, 114) to increase from $25 to $40
- Fee for amended notice of digital transmission of sound recording to increase from $25 to $40
- Fee for search report prepared from Licensing Division records to increase from $165 to $200 per hour, with a one-hour minimum

For search reports prepared from Licensing Division records, while the proposed hourly fee adjustment tracks that for general Copyright Office search reports, the Office believes that a one hour (rather than two hour) minimum is sufficient in the case of Licensing records. A number of Licensing Division searches are purely factual, for example, due diligence searches to verify that mandatory filings were made. Such searches often can be conducted fairly quickly and thus the Office has determined that a one-hour minimum is sufficient.

The fee increases for certain other Licensing Division services listed above were proposed in the NPR and received no negative comments. The Office is therefore implementing these increases to achieve greater cost recovery.

*d. FOIA Services Fees*

- Fee for a search prepared by administrative staff (per quarter hour increment with a half hour minimum) to change from $16.25 to $7.50
- Fee for a search prepared by professional staff (per quarter hour increment with a half hour minimum) to change from $16.25 to $17.50
- Fee for a review of documents performed by administrative staff, per quarter hour, to be assessed at $7.50 an hour
- Fee for a review of documents performed by professional staff, per quarter hour, to be assessed at $17.50 an hour

As explained above, the Office looked to OMB guidelines when setting its fees for FOIA requests. Currently, the Office charges an hourly fee for searches related to such requests. The Office last adjusted its FOIA fees in 1999.

The Office is implementing a fee adjustment and a new schedule for

assessing FOIA search fees and reviewing the documents. OMB guidelines allow agencies to set an average fee based on the individuals processing FOIA requests where there are homogeneous classes of personnel used to perform the required service (*i.e.,* identifiable classes of personnel that have like characteristics—in this case, all professional or all administrative staff). The Office thus is establishing two sets of review and search fees: (1) One fee for those services conducted at the technical or administrative level; and (2) a higher fee for those services conducted at the professional level. These fees will be charged in quarter hour increments, with a minimum of a half hour for a search to account for overhead. The Office thus will charge $7.50 per quarter hour increment for searches performed by administrative staff, with a minimum fee of $15 to cover the first half hour. For searches performed by professional staff, the Office will assess a fee of $17.50 per quarter hour increment, with a minimum fee of $35. The same fee structure will apply to review services, but with no minimum fee.[63]

Finally, as noted above, the Office is revising two provisions of 37 CFR 203.6(b) to eliminate FOIA-specific fees for obtaining copies of registration certificates and for certification services (currently referenced in 37 CFR 203.6(b)(1) and (4), respectively). Pursuant to 37 CFR 203.6(a), the fees for these services, which involve the public records of the Copyright Office, are to be assessed in accordance with the Office's general fee schedule. The Office believes these changes will help to avoid confusion about the applicable fee when such services are provided in connection with a FOIA request.

**List of Subjects**

*37 CFR Part 201*

Copyright, General provisions.

*37 CFR Part 203*

Copyright, Freedom of Information Act: Policies and Procedures.

**Final Rule**

In consideration of the foregoing, under the authority of 17 U.S.C. 702, the U.S. Copyright Office amends 37 CFR chapter II as follows:

**CHAPTER II—U.S. COPYRIGHT OFFICE, LIBRARY OF CONGRESS**

■ 1. The heading of chapter II is revised to read as set forth above.

## PART 201—GENERAL PROVISIONS

■ 2. The authority citation for part 201 continues to read as follows:

**Authority:** 17 U.S.C. 702.

■ 3. Revise § 201.3(c), (d), and (e) to read as follows:

**§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.**

* * * * *

(c) *Registration, recordation, and related service fees.* The Copyright Office has established the following fees for these services:

| Registration, recordation and related services | Fees ($) |
|---|---|
| (1) Registration of a standard claim in an original work of authorship: | |
| Electronic filing: | |
| (i) Single author, same claimant, one work, not for hire | 35 |
| (ii) All other filings | 55 |
| Paper Filing (Forms PA, SR, TX, VA, SE, SR) | 85 |
| (2) Registration of a claim in a group of contributions to periodicals (Form GR/CP) or database updates | 85 |
| (3) Registration for a group of published photographs, or an automated database that predominately consists of photographs and updates thereto: | |
| (i) Electronic filing | 55 |
| (ii) Paper filing | 65 |
| (4) Registration of a renewal claim (Form RE): | |
| (i) Claim without addendum | 100 |
| (ii) Addendum (in addition to the fee for the claim) | 100 |
| (5) Registration of a claim in a group of serials (Form SE/Group) (per issue, minimum 2 issues) | 25 |
| (6) Registration of a claim in a group of daily newspapers and qualified newsletters (Form G/DN) | 80 |
| (7) Registration of a claim in a restored copyright (Form GATT) | 85 |
| (8) Preregistration of certain unpublished works | 140 |
| (9) Registration of a correction or amplification to a claim (Form CA) | 130 |
| (10) Registration of a claim in a mask work (Form MW) | 120 |
| (11) Registration of a claim in a vessel hull (Form D/VH) | 400 |
| (12) Provision of an additional certificate of registration | 40 |
| (13) Certification of other Copyright Office records, including search reports (per hour) | 200 |
| (14) Search report prepared from official records other than Licensing Division records (per hour, 2 hour minimum) | 200 |
| Estimate of search fee (credited to search fee) | 200 |
| (15) Retrieval of in-process or completed Copyright Office records or other Copyright Office materials: | |
| (i) Retrieval of paper records (per hour, 1 hour minimum) | 200 |
| (ii) Retrieval of digital records (per hour, half hour minimum, quarter hour increments) | 200 |
| (16) Recordation of document, including a notice of intention to enforce (single title) | 105 |
| Additional titles (per group of 1 to 10 titles) | 35 |
| (17) Recordation of a designation of agent to receive notification of claimed infringements under § 512(c)(2) | 105 |
| Additional names (per group of 1 to 10) | 35 |
| (18) Issuance of a receipt for a § 407 deposit | 30 |

(d) *Special Service Fees.* The Copyright Office has established the following fees for special services of the Office:

[63] In this regard, the Office notes that it is revising the language of the provision concerning the applicability of FOIA review fees (currently codified at 37 CFR 203.6(b)(7)) to more closely track the language of the FOIA statute.

| Special services | Fees ($) |
|---|---|
| (1) Service charge for deposit account overdraft | 250 |
| (2) Service charge for dishonored deposit account replenishment check | 100 |
| (3) Service charge for an uncollectible or non-negotiable payment | 30 |
| (4) Appeals: | |
| (i) First appeal (per claim) | 250 |
| (ii) Second appeal (per claim) | 500 |
| (5) Secure test processing charge (per staff member per hour) | 250 |
| (6) Copying of Copyright Office records by staff: | |
| Photocopy (black & white, 8½ x 11) (per page, minimum: $12) | 0.50 |
| Photocopy (black & white, 11 x 17) (per page, minimum: $12) | 1 |
| Photocopy (color, 8½ x 11) (per page, minimum: $12) | 2 |
| Photocopy (color, 11 x 17) (per page, minimum: $12) | 4 |
| Audiocassette (first 30 minutes) | 75 |
| Additional 15 minute increments | 20 |
| Videocassette (first 30 minutes) | 75 |
| Additional 15 minute increments | 20 |
| CD or DVD | 30 |
| Flash drive | 30 |
| Unsupported formats and other copying of materials by outside providers, at cost of provider | Variable. |
| (7) Special handling fee for a claim | 800 |
| Handling fee for each non-special handling claim using the same deposit | 50 |
| (8) Special handling fee for recordation of a document | 550 |
| (9) Handling fee for extra deposit copy for certification | 50 |
| (10) Full-term retention of a published deposit | 540 |
| (11) Special handling of search report, per hour (for up to 2 hours) | 300 |
| Additional hours of searching, per hour | 500 |
| (12) Special handling of retrieval, certification, and copying, per hour | 305 |
| (13) Notice to libraries and archives | 50 |
| Each additional title | 20 |
| (14) Service charge for Federal Express mailing | 45 |
| (15) Service charge for delivery of documents via facsimile (per page, 7 page maximum) | 1 |

(e) *Licensing Division service fees.* The Copyright Office has established the following fees for specific services of the Licensing Division:

| Licensing division services | Fees ($) |
|---|---|
| (1) Recordation of a notice of intention to make and distribute phonorecords (17 U.S.C. 115) | 75 |
| Additional titles (per group of 1 to 10 titles) (paper filing) | 20 |
| Additional titles (per group of 1 to 100 titles) (online filing) | 10 |
| (2) Statement of account amendment (cable television systems and satellite carriers, 17 U.S.C. 111 and 119; digital audio recording devices or media, 17 U.S.C. 1003) | 150 |
| (3) Recordation of a licensing agreement for use of certain works in connection with noncommercial broadcasting (17 U.S.C. 118) | 140 |
| (4) Recordation of certain contracts by cable TV systems located outside the 48 contiguous states | 50 |
| (5) Notice of digital transmission of sound recording (17 U.S.C. 112, 114) | 40 |
| Amended notice of digital transmission of sound recording | 40 |
| (6) Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to 17 U.S.C. 111: | |
| (i) Form SA1 | 15 |
| (ii) Form SA2 | 20 |
| (iii) Form SA3 | 725 |
| (7) Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to 17 U.S.C. 119 or 122 | 725 |
| (8) Search report prepared from Licensing Division records (per hour, 1 hour minimum) | 200 |

* * * * *

## PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

■ 4. The authority citation for part 203 continues to read as follows:

**Authority:** 17 U.S.C. 702; 5 U.S.C. 552, as amended.

■ 5. Revise § 203.6(b) to read as follows:

**§ 203.6 Schedule of fees and methods of payment for services rendered.**

* * * * *

(b) *FOIA requests.* In responding to requests under this part the following fees shall be assessed, unless a waiver or reduction in fees has been granted pursuant to paragraph (d) of this section:

(1) For each quarter hour spent by administrative staff in searching for a requested record, $7.50; for each quarter hour spent by professional staff in searching for a requested record, $17.50, with a half hour minimum in both cases. No search fee shall be assessed with respect to requests by educational institutions, non-commercial scientific institutions, and representatives of the news media. Search fees shall be assessed with respect to all other requests, subject to the limitations of

paragraph (c) of this section. Fees may be assessed for time spent searching even if the search fails to locate any responsive records or where the records located are subsequently determined to be entirely exempt from disclosure.

(2) For computer searches of records, which may be undertaken through the use of existing programing, the actual direct costs of conducting the search including the cost of operating a central processing unit for that portion of operating time that is directly attributable to searching for records responsive to a request, as well as the direct costs of operator/programmer salary apportionable to search (at no less than $65 per hour or fraction thereof).

(3) For each quarter hour spent by administrative staff in reviewing a requested record, $7.50; for each quarter hour spent by professional staff in reviewing a requested record, $17.50, with no minimum. No review fee shall be assessed with respect to requests by educational institutions, non-commercial scientific institutions, and representatives of the news media. Review fees shall be assessed with respect to all other requests, subject to the limitations of paragraph (c) of this section. Review fees shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed and for the purposes of withholding any portions exempt from disclosure. No review fee will be charged for time spent in resolving issues of law or policy that may be raised in the course of processing a request.

(4) For copies of all other Copyright Office records not otherwise provided for in this section, a minimum fee of $15.00 for up to 15 pages and $.50 per page over 15.

(5) Other costs incurred by the Copyright Office in fulfilling a request will be chargeable at the actual cost to the Office.

* * * * *

Dated: March 17, 2014.

**Maria A. Pallante,**

*Register of Copyrights.*

Approved by:

**James H. Billington,**

*Librarian of Congress.*

[FR Doc. 2014–06293 Filed 3–21–14; 8:45 am]

**BILLING CODE 1410–30–P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 21

**RIN 2900–AO87**

## Vocational Rehabilitation and Employment Program: Changes Related to the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is amending its regulation to reflect a change made by the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012. If a veteran has been displaced as the result of a natural or other disaster while being paid an allowance, referred to as an employment adjustment allowance, this Act allows the extension of the allowance. This amendment is necessary to conform the regulation to the statutory provision.

**DATES:** *Effective Date:* This final rule is effective March 24, 2014.

*Applicability Date:* In accordance with the amended statutory provision of 38 U.S.C. 3108(a)(2), this final rule pertains to all awards of employment adjustment allowance processed on or after August 6, 2013.

**FOR FURTHER INFORMATION CONTACT:** C.J. Riley, Policy Analyst, Vocational Rehabilitation and Employment Service (28), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (202) 461–9600. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** Section 3108 of 38 U.S.C. establishes the criteria for entitlement to allowances payable under 38 U.S.C. chapter 31. Section 3108(a)(2) provides for payment of a subsistence allowance for any veteran who has been rehabilitated to the point of employability for two months while the veteran is satisfactorily following a Vocational Rehabilitation and Employment (VR&E) program of employment services. This statutory provision regarding a veteran's entitlement to such subsistence allowance, referred to as an employment adjustment allowance (EAA), is implemented by 38 CFR 21.268.

Section 701(b) of Public Law 112–154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, amended 38 U.S.C. 3108(a)(2) by providing that VA may extend the payment of an EAA up to an additional two months while the veteran is satisfactorily following a VR&E program of employment services if the veteran has been displaced as a result of a natural or other disaster while being paid an EAA. To make it clear that a veteran displaced as a result of a natural or other disaster may receive up to an additional two months of the EAA, we are amending our regulation to include this requirement. VA is implementing the statutory amendment in 38 CFR 21.268 by re-designating current paragraph (f), ''Employment adjustment allowance not charged against entitlement.'', as new paragraph (g), and adding a new paragraph (f), ''Special situations.'' We will start paying this additional two months of EAA beginning August 6, 2013, when the law took effect. We note the effective date of August 6, 2013, in new paragraph (f). In addition, we are adding an authority citation to the end of the paragraph for clarification.

### Administrative Procedure Act

The Secretary of Veterans Affairs finds there is good cause under the provisions of 5 U.S.C. 553(b)(B) and (d)(3) to publish this rule without prior opportunity for public comment and with an immediate effective date. The regulatory change made by this rule reflects a change in statute that VA is adopting directly, without change, into VA's regulations. By statute, Congress is allowing up to an additional two months of a special allowance for veterans following a program of employment services who have been displaced as a result of a natural disaster. The regulatory change does not involve interpretation of this statutory provision. Consequently, opportunity for public comment is unnecessary. The statutory change was enacted on August 6, 2012, made effective on August 6, 2013. Due to the above considerations, VA is issuing this rule as a final rule, effective immediately upon publication.

### Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and

Review) defines a ''significant regulatory action,'' which requires review by the Office of Management and Budget (OMB), unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Orders 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov*, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www1.va.gov/orpm/*, by following the link for ''VA Regulations Published.''

**Regulatory Flexibility Act**

The Secretary hereby certifies that adoption of this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This final rule will directly affect only individuals and will not directly affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the regulatory flexibility analysis requirements of section 604.

**Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

**Paperwork Reduction Act**

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

**Catalog of Federal Domestic Assistance**

The Catalog of Federal Domestic Assistance number and title for the program affected by this final rule is 64.116, Vocational Rehabilitation for Disabled Veterans.

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on February 27, 2014, for publication.

**List of Subjects in 38 CFR Part 21**

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Dated: March 19, 2014.

**Robert C. McFetridge,**

*Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 21 as set forth below:

## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### Subpart A—Vocational Rehabilitation and Employment Under 38 U.S.C. Chapter 31

■ 1. The authority citation for part 21, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

■ 2. Amend § 21.268 as follows:

■ a. Redesignate paragraph (f) as paragraph (g).

■ b. Add a new paragraph (f).

■ c. Add an authority citation at the end of new paragraph (f).

The revisions read as follows:

**§ 21.268 Employment adjustment allowance.**

* * * * *

(f) *Special situations.* Effective August 6, 2013, a veteran who has been displaced as the result of a natural or other disaster while being paid an employment adjustment allowance may receive up to an additional two months of employment adjustment allowance, if satisfactorily following a program of employment services.

(Authority: 38 U.S.C. 3108(a)(2))

* * * * *

[FR Doc. 2014–06378 Filed 3–21–14; 8:45 am]

BILLING CODE 8320–01–P

## ENVIRONMENTAL PROTECTION AGENCY

### 48 CFR Parts 1542, 1552, and 1553

**[EPA–HQ–OARM–2013–0736; FRL–9908–08–OARM]**

### Environmental Protection Agency Acquisition Regulation (EPAAR); Contractor Performance Information

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

**ACTION:** Direct Final Rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is issuing a direct final rule to rescind EPAARs, which include EPA's policies for collecting and maintaining contractor past performance information. A final rule updating the Federal Acquisition Regulations (FAR) was published in **Federal Register** on August 1, 2013. The changes to the FAR make the information in the referenced EPAAR subparts redundant. The impact of removing these sections is administrative in nature and will not change the overall policies for collecting and maintaining contractor past performance which are now detailed in the FAR. EPA does not anticipate any adverse comments.

**DATES:** This rule is effective May 23, 2014 without further action, unless adverse comment is received April 23, 2014. If adverse comment is received, the EPA will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OARM–2013–0736 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: docket.oei@epa.gov.*
- *Fax:* (202) 566–1753.

• *Mail:* EPA–HQ–OARM–2013–0736, OEI Docket, Environmental Protection Agency, 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of three (3) copies.

• *Hand Delivery:* EPA Docket Center—Attention OEI Docket, EPA West, Room B102, 1301 Constitution Ave. NW., Washington, DC 20004. 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–OARM–2013–0736. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket, and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment, and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

*Docket:* All documents in the docket are listed in the *http://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 *http://www.regulations.gov,* or in hard copy at the Government Property—Contract Property Administration Docket, 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 EPA Docket Center is (202) 566–1752. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Staci Ramrakha, Policy, Training, and Oversight Division, Acquisition Policy and Training Service Center (3802R), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–2017; email address: *ramrakha.staci@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## General Information

Do not submit any Classified Business Information (CBI) to EPA Web site *http://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 EPA, mark the outside of the disk or CD–ROM as CBI, and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in *40 CFR part 2.*

2. Tips for Preparing Your Comments. When submitting comments, remember to:

• 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.

3. Make sure to submit your comments by the comment period deadline identified.

## Background

EPAAR subpart 1542.15 was last updated July 5, 2011 to establish responsibilities for recording and maintaining EPA contractor past performance information. Subpart 1542.15 requires the use of the Contractor Performance Assessment Reporting System (CPARS); establishes frequency and types of reports that are congruent with CPARS; establishes EPA personnel responsibilities related to CPARS; provides instructions for rating small business subcontracting; provides instructions for novation agreements, requires CPARS be documented in the official contract file; and requires the use of EPAAR clause 1552.242–71 which notifies contractors the EPA utilizes the CPARS system. EPAAR 1553.209 contains outdated forms previously used by EPA personnel to evaluate contractor performance. These forms are no longer relevant or utilized. Additionally, recent changes to FAR subpart 42.15 via a final rule published in **Federal Register** on August 1, 2013 (78 FR 46783), make the information in EPAAR subpart 1542.15 redundant. The new FAR requirements mirror the current EPA policies for collecting and maintaining contractor past performance, and there is no need for an agency supplement. FAR subpart 42.15, combined with the CPARS guidance and reference material included on the CPARS Web site (*www.CPARS.gov*) provide sufficient policies and procedures for the EPA to satisfy the EPA's needs. Specific guidance, such as defining roles and responsibilities for EPA acquisition personnel in relation to CPARS will be included in the internal EPA Acquisition Guide.

## Final Rule

This final rule makes the following changes: 1. Delete EPAAR 1542.15, Contractor Performance Information, in its entirety including all subsections. 2. Delete EPAAR 1552.242–71, Contractor Performance Evaluations. 3. Delete EPAAR 1553.209, Contractor Qualifications, in its entirety, including all subsections.

**Statutory and Executive Order Reviews**

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

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

*B. Paperwork Reduction Act*

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

*C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.*

The 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 impact of today's proposed rule on small entities, ''small entity'' is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified 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; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated, and is not dominant in its field. After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, because the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Since documenting past performance is applicable to large and small entities, this rule will not have a significant economic impact on small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

*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. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

*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 Executive Order 13132. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed action from State and local officials.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 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 Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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

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

*I. National Technology Transfer and Advancement Act of 1995*

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

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

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment.

*K. Congressional Review Act*

The Congressional Review Act, 5 U.S.C 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

**List of Subjects in 48 CFR Parts 1542, 1552, and 1553**

Contractor performance information, Contractor performance evaluations, Contractor qualifications, Government procurement, Reporting and recordkeeping requirements.

Dated: February 6, 2014.

**John R. Bashita,**

*Director, Office of Acquisition Management.*

For the reasons stated in the preamble, EPA amends 48 CFR Chapter 15 as follows:

■ 1. The authority citation for 48 CFR parts 1542, 1552 and 1553 continues to read as follows:

**Authority:** 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

## PART 1542—CONTRACT ADMINISTRATION

### Subpart 1542.15—[Removed]

■ 2. Remove subpart 1542.15.

## PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

### § 1552.242–71 [Removed]

■ 3. Remove § 1552.242–71.

## PART 1553—FORMS

### §§ 1553.209, 1553.209–70, and 1553.209–71 [Removed]

■ 4. Remove §§ 1553.209, 1553.209–70, and 1553.209–71.

[FR Doc. 2014–06262 Filed 3–21–14; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 635

**[Docket No. 130214139–3542–02]**

**RIN 0648–XD201**

## Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; General Category Fishery

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the General category fishery for large medium and giant Atlantic bluefin tuna (BFT) until the General category reopens on June 1, 2014. This action is being taken to prevent any further overharvest of the General category January BFT subquota.

**DATES:** Effective 11:30 p.m., local time, March 21, 2014, through May 31, 2014.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin or Brad McHale, 978–281–9260.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635.

NMFS is required, under § 635.28(a)(1), to file a closure notice with the Office of the Federal Register for publication when a BFT quota is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year or for a specified period as indicated in the notification, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The current General category baseline quota is 435.1 mt, with 23.1 mt allocated for the January time period. On November 30, 2011, NMFS published a final rule to address adjustments to the General and Harpoon category regulations. Among other actions, this final rule allowed the General category BFT season to remain open from January 1 until the ''January subquota'' amount is reached, or March 31 (whichever happens first).

Based on the best available BFT landings information for the General category BFT fishery, NMFS has determined that the General category January subquota has been reached. Therefore, through May 31, 2014, retaining, possessing, or landing large medium or giant BFT by persons aboard vessels permitted in the Atlantic tunas General and Highly Migratory Species (HMS) Charter/Headboat categories (while fishing commercially) must cease at 11:30 p.m. local time on March 21, 2014. The General category will reopen automatically on June 1, 2014, for the June through August subperiod. This action is taken consistent with the regulations at §§ 635.27(a)(1)(iii) and 635.28(a)(1). The intent of this closure is to prevent any further overharvest of the General category January BFT subquota.

Fishermen may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and the tag-and-release programs at § 635.26. Fishermen are also reminded that all BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at *www.nmfs.noaa.gov/sfa/hms/.*

If needed, subsequent General category adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (888) 872–8862 or (978) 281–9260, or access *hmspermits.noaa.gov,* for updates.

**Classification**

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. The closure of the General category January BFT fishery is necessary to prevent any further overharvest of the General category January BFT subquota. NMFS provides notification of closures by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News

electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on *hmspermits.noaa.gov.*

These fisheries are currently underway and delaying this action would be contrary to the public interest as it could result in excessive BFT landings that may result in future potential quota reductions for the General category. NMFS must close the General category January BFT fishery to prevent the available subquota from being exceeded any further. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under §§ 635.27(a)(1)(iii) and 635.28(a)(1), and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: March 19, 2014.

**Emily H. Menashes,**

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

[FR Doc. 2014–06386 Filed 3–19–14; 4:15 pm]

BILLING CODE 3510–22–P

# Proposed Rules

Federal Register
Vol. 79, No. 56
Monday, March 24, 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 THE TREASURY

### Internal Revenue Service

### 26 CFR Parts 31 and 301

**[REG–163195–05]**

**RIN 1545–BG53**

## Removal of the Qualified Payment Card Agent Program

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Withdrawal of notice of proposed rulemaking and notice of proposed rulemaking.

**SUMMARY:** This document contains proposed regulations that will remove regulations relating to information reporting and backup withholding for the Qualified Payment Card Agent (QPCA) Program. This document also amends regulations to remove references to the QPCA Program and withdraws proposed regulations relating to the QPCA Program. Enactment of the payment card and third party network reporting requirements in the Housing Assistance Tax Act of 2008 made the QPCA Program obsolete. Because no payors have applied to be designated as a QPCA (and no payors have been designated as a QPCA), no taxpayers will be affected by these proposed regulations.

**DATES:** Comments and requests for a public hearing must be received by June 23, 2014.

**ADDRESSES:** Send submissions to: CC:PA:LPD:PR (REG–163195–05), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. to CC:PA:LPD:PR (REG–163195–05), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224. Alternatively, taxpayers may submit comments electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–163195–05).

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, Michael Hara, (202) 317–5413; concerning the submission of comments and requests for a public hearing, Oluwafunmilayo Taylor, (202) 317–6901 (not toll-free calls).

**SUPPLEMENTARY INFORMATION:**

### Background and Explanation of Provisions

This document contains proposed regulations to remove deadwood provisions implementing the now obsolete QPCA Program. When finalized, the proposed regulations would remove § 31.3406(g)–1(f), § 301.6724–1(e)(1)(vi)(H), and § 301.6724–1(f)(5)(vii). In addition, the proposed regulations would amend § 301.6724–1(c)(6) to remove references to QPCAs. This document also withdraws proposed regulations (REG–163195–05) relating to the QPCA Program.

The QPCA Program was developed by the IRS to enhance the accuracy of section 6041 information reporting in transactions where a payment card, such as a credit card, is accepted as payment. Under the QPCA Program, a payment card organization may apply to be designated as a QPCA. For this purpose, a payment card organization is an entity that sets the standards and provides the mechanism, either directly or indirectly through members and affiliates, for effectuating payment between a purchaser and a merchant in a payment card transaction. See § 5.06 of Notice 2007–59, 2007–30 IRB 135 (July 23, 2007). Once designated, the QPCA may act on behalf of a payor/cardholder to solicit, collect, and validate the name and taxpayer identification number (TIN) of a payee/merchant, and provide that information to the payor/cardholder so that the payor/cardholder can meet its section 6041 reporting obligation, if any.

Enactment of section 6050W and changes to the regulations under section 6041 obsolete the QPCA Program by requiring payment card organizations, rather than payor/cardholders, to report payments made in payment card transactions to payees/merchants. See § 1.6041–1(a)(1)(iv) (eliminating duplicate reporting under section 6041 if the payment is subject to reporting under section 6050W).

Section 6041(a) requires persons engaged in a trade or business and making payment in the course of such trade or business to another person of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income of $600 or more in any one taxable year to file information returns with the IRS and to furnish information statements to payees. Among other items, the payor must include the payee's name and TIN on the information return and the information statement. Section 3406(a)(1) requires a payor to withhold on any reportable payment (as defined in section 3406(b)(1)) if: (1) The payee fails to furnish the payee's TIN to the payor as required; or (2) the Secretary notifies the payor that the TIN furnished by the payee is incorrect.

On January 31, 2003, temporary regulations relating to the IRS TIN Matching Program were published in the **Federal Register** (TD 9041) (68 FR 4922). Under the IRS TIN Matching Program, a participating payor may reduce name/TIN errors on information returns by contacting the IRS before filing to verify whether the name and TIN combination furnished by a payee matches IRS records. The 2003 temporary regulations permit a payor's authorized agent to participate in the IRS TIN Matching Program on behalf of the payor. Under the authority of these temporary regulations, the IRS issued Rev. Proc. 2003–9 (2003–1 CB 516 (February 24, 2003)) (see § 601.601(d)(2)(ii)(*b*) of this chapter) to allow all payors, as well as a payor's authorized agent, to participate in the IRS TIN Matching Program.

A notice of proposed rulemaking (REG–116641–01) cross-referencing the 2003 temporary regulations was also published in the **Federal Register** (68 FR 4970) for January 31, 2003. The notice of proposed rulemaking contained additional proposed rules relating to the information reporting and backup withholding requirements for payment card transactions effectuated through a QPCA.

On February 24, 2003, Notice 2003–13 (2003–1 CB 513 (February 24, 2003)) (see § 601.601(d)(2)(ii)(*b*) of this chapter) was published in the Internal Revenue

Bulletin, announcing a proposed revenue procedure that would establish a procedure for a payment card organization to request a determination that it is a QPCA.

On July 13, 2004, final regulations relating to the information reporting requirements, information reporting penalties, and backup withholding requirements for payment card transactions effectuated through a QPCA were published in the **Federal Register** (TD 9136) (69 FR 41938). The amendments implementing the QPCA Program were generally effective for payments made on or after January 1, 2005. The final regulations also made the temporary regulations implementing the TIN Matching Program permanent.

On August 2, 2004, Revenue Procedure 2004–42 (2004–2 CB 121 (August 2, 2004)) (see § 601.601(d)(2)(ii)(*b*) of this chapter) was published in the Internal Revenue Bulletin, setting forth procedures for a payment card organization to request a determination that it is a QPCA. Also on August 2, 2004, Revenue Procedure 2004–43 (2004–2 CB 124 (August 2, 2004)) (see § 601.601(d)(2)(ii)(*b*) of this chapter) was published in the Internal Revenue Bulletin, setting forth an optional procedure for payors who make payments in the course of their trade or business through payment cards to use Merchant Category Codes, or other similar codes to determine whether the payments are reportable under sections 6041 and 6041A.

On July 13, 2007, a notice of proposed rulemaking (REG–163195–05) proposing revisions to the QPCA Program allowing merchants to opt-out of the QPCA Program and permitting QPCA's to furnish certain payee notifications electronically was published in the **Federal Register** (72 FR 38534).

On July 23, 2007, Notice 2007–59 (2007–30 IRB 135 (July 23, 2007)) (see § 601.601(d)(2)(ii)(*b*) of this chapter) was published in the Internal Revenue Bulletin, which provided a proposed revenue procedure that would supersede Rev. Proc. 2004–42 to revise procedures for a payment card organization to request a determination that it is a QPCA.

On July 30, 2008, Congress enacted the Housing Assistance Tax Act of 2008, Public Law 110–289, which added section 6050W to the Internal Revenue Code. Section 6050W requires payment settlement entities, including payment card organizations, to report payments made in settlement of payment card and third party network transactions. Regulations published under section 6050W and section 6041 provide, among other things, that payments required to be reported under section 6050W are not also required to be reported under section 6041. See § 1.6041–1(a)(1)(iv). Because payment card organizations now have a reporting obligation with respect to payment card transactions, there is no longer a need for payment card organizations to solicit, collect, and verify payee/merchant names/TINs for the payor/cardholder. Thus, enactment of section 6050W made the QPCA Program obsolete. Accordingly, the regulations under § 31.3406(g)–1(f), § 301.6724–1(e)(1)(vi)(H), and § 301.6724–1(f)(5)(vii) are proposed to be removed, § 301.6724–1(c)(6) of the regulations is proposed to be amended, and the proposed regulations published in the **Federal Register** on July 13, 2007, are being withdrawn. In addition, Revenue Procedure 2004–42, Revenue Procedure 2004–43, Notice 2003–13, Notice 2003–37, and Notice 2007–59 are obsoleted. See § 601.601(d)(2)(ii)(*b*).

## Effective Date

Sections 31.3406(g)–1(f), § 301.6724–1(e)(1)(vi)(H), and § 301.6724–1(f)(5)(vii) would be removed on the date these regulations are published as final regulations in the **Federal Register**. Amendments to § 301.6724–1(c)(6) would be effective on the date these regulations are published as final in the **Federal Register**.

## Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. Because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

## Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the ''Addresses'' heading. The Treasury Department and the IRS requested comments on all aspects of the proposed rules. All comments will be available at *www.regulations.gov* or upon request.

A public hearing will be scheduled if requested by any person who timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

## Effect on Other Documents

The following publications are obsolete as of the date these regulations are published as final regulations in the **Federal Register**: Notice 2003–13, (2003–1 CB 513); Notice 2003–37 (2003–1 CB 1121); Rev. Proc. 2004–42 (2004–2 CB 121); Rev. Proc. 2004–43 (2004–2 CB 124); and Notice 2007–59 (2007–30 IRB 135) (see § 601.601(d)(2)(ii)(*b*) of this chapter).

## Withdrawal of Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, the notice of proposed rulemaking (REG–163195–05) that was published in the **Federal Register** on July 13, 2007 (72 FR 38534) is withdrawn.

## Drafting Information

The principal author of these proposed regulations is Michael Hara of the Office of Associate Chief Counsel (Procedure and Administration).

## List of Subjects

*26 CFR Part 31*

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

*26 CFR Part 301*

Employment taxes, Estate taxes, Excise taxes, Income taxes, Gift taxes, Penalties, Reporting and recordkeeping requirements.

## Proposed Amendments to the Regulations

Accordingly, 26 CFR parts 31 and 301 are proposed to be amended as follows:

## PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

■ **Paragraph 1.** The authority citation for part 31 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 * * *

### § 31.3406(g)–1 [Amended]

■ **Par. 2.** Section 31.3406(g)–1 is amended by removing paragraph (f).

## PART 301–PROCEDURE AND ADMINISTRATION

■ **Par. 3.** The authority citation for part 301 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805. * * *

### § 301.6724–1 [Amended]

■ **Par. 4.** Section 301.6724–1 is amended by:

■ a. Removing the language ''or a qualified Payment Card Agent (QPCA) as defined in § 31.3406(g)–1(f)(2)(v) of this chapter,'' from the introductory text of paragraph (c)(6).

■ b. Removing paragraphs (e)(1)(vi)(H) and (f)(5)(vii).

**John Dalrymple,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 2014–06209 Filed 3–21–14; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF EDUCATION

## 34 CFR Chapter III

## Proposed Priority—National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers

CFDA Number: 84.133B–8.

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Proposed priority.

**SUMMARY:** The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for the Rehabilitation Research and Training Center (RRTC) Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, this notice proposes a priority for an RRTC on Family Support. We take this action to focus research attention on an area of national need. We intend the priority to contribute to improved outcomes in this area for individuals with disabilities and family members who provide assistance to them.

**DATES:** We must receive your comments on or before April 23, 2014.

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

• *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''

• *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., Room 5133, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

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

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

**SUPPLEMENTARY INFORMATION:** This notice of proposed priority is in concert with NIDRR's currently approved Long-Range Plan (Plan). The Plan, which was published in the **Federal Register** on April 4, 2013 (78 FR 20299), can be accessed on the Internet at the following site: *www.ed.gov/about/offices/list/osers/nidrr/policy.html.*

The Plan identifies a need for research and training in a number of areas, including the needs of families with members with disabilities. To address this need, NIDRR seeks to: (1) improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of research findings, expertise, and other information to advance knowledge and understanding of the needs of individuals with disabilities and their family members, including those from among traditionally underserved populations; (3) determine effective practices, programs, and policies to improve community living and participation, employment, and health and function outcomes for individuals with disabilities of all ages; (4) identify research gaps and areas for promising research investments; (5) identify and promote effective mechanisms for integrating research and practice; and (6) disseminate research findings to all major stakeholder groups, including individuals with disabilities and their families in formats that are appropriate and meaningful to them.

This notice proposes one priority that NIDRR intends to use for one or more competitions in fiscal year (FY) 2014 and possibly later years. NIDRR is under no obligation to make an award under this priority. The decision to make an award will be based on the quality of applications received and available funding. NIDRR may publish additional priorities, as needed.

*Invitation to Comment:* We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priority, we urge you to identify clearly the specific topic within the priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this proposed priority by following the instructions found under the ''Are you new to the site?'' portion of the Federal eRulemaking Portal at *www.regulations.gov.* Any comments sent to NIDRR via postal mail, commercial deliver, or hand delivery can be viewed in Room 5133, 550 12th Street SW., PCP, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

*Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:* On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

*Purpose of Program:* The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-

sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

**Rehabilitation Research and Training Centers**

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas as specified by NIDRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers and other research stakeholders. Additional information on the RRTC program can be found at: *http://www2.ed.gov/programs/rrtc/index.html#types*

**Program Authority:** 29 U.S.C. 762(g) and 764(b)(2).

*Applicable Program Regulations:* 34 CFR part 350.

*Proposed Priority:*

This notice contains one proposed priority.

*RRTC on Family Support.*

*Background:*

For the purpose of this notice, ''family support'' is defined as a range of formal and informal support, assistance or nurturing provided to a family member with a disability by one or more other family members in response to disability-related needs, including needs for self-determination, integration, and inclusion in community life. Family support may include any disability-related support, assistance, or nurturing provided to a child by a parent, to a parent by a child, by a spouse to a husband or wife, by a sibling to another sibling, or within some other family relationship. ''Family caregiver'' refers to an individual who provides support, assistance, or nurturing to a family member with a disability. ''Family support services'' refers to services and cash payments provided to a family caregiver who is providing support, assistance, or nurturing to a family member with disability.

Family support is the predominant source of long-term services and supports for persons with disabilities in the United States (Thompson, 2004). Without the contributions of family members, the public costs and demand for paid personal assistance would increase dramatically and become unsustainable. Estimates of the annual cost of services provided by family members to individuals with disabilities range from about $335 billion (Feinberg, Reinhart, Houser & Choula, 2011), to $450 billion (White-Means & Dong, 2012), or roughly three times the total State and Federal Medicaid expenditures for compensated long-term services and supports (Eiken, et al., 2013).

In addition to the value of the uncompensated hours of family direct support, families routinely incur substantial out-of-pocket expenses associated with a family member's disability (Lewis & Johnson, 2005; Mitra et al., 2009). Furthermore, families that include at least one individual with a disability often experience substantial economic and career losses (Anderson, Larson, Lakin & Kwak, 2002; Parish, Seltzer, Greenberg & Floyd 2004; Stabile & Allin, 2012). Family caregivers experience stresses other than economic, including psychological (Traute & Heibert-Murphy, 2002), social (Baxter, Cummins & Yiolitis (2000), and health (Gallagher & Whitely, 2012) stresses.

Family support is essential to the viability of the U.S. system of long-term services and supports for persons with disabilities. Family support services may include information services, person and family-centered planning, counseling, assistive devices, home modifications, respite care, training, personal care attendant and homemaker recruitment and training, meal services, cash assistance, and other supports as needed.

In March 2013, the U.S. Department of Health and Human Services (HHS) launched a new Community Living Council in support of the ''Secretary's Strategic Initiative to Promote Community Living for Older Adults and People with Disabilities'' (Initiative) (U.S. Department of Health and Human Services, 2013). The Initiative engages multiple HHS agencies and partners from other Departments to assist States in making their systems of Long-Term Services and Supports (LTSS) more community-based, consumer-directed, and outcome-focused. The Initiative includes major efforts to provide factual, accessible, and easily understood information to individuals with disabilities and their families. The intent of the Initiative corresponds directly with NIDRR's mission to generate new knowledge and promote its effective use to improve the abilities of individuals with disabilities to perform activities of their choice in the community.

To further the central goals of the Initiative, NIDRR is partnering with the Administration for Community Living (ACL) in HHS to create a national RRTC on Family Support. ACL will support the engagement of its 356 Aging and Disability Resource Centers to serve as a conduit for information generated by the RRTC. The purpose of this RRTC will be to engage in research, data analysis, knowledge translation, and development and dissemination of informational products to improve supports and services for individuals who provide assistance to their family members with disabilities.

*References:*

Anderson, L., Larson, S., Lakin, K.C., & Kwak, N. (2002). Children with disabilities: Social roles and family impacts in the NHIS–D. DD Data Brief, 4(1).

Baxter, C., Cummins, R., & Yiolitis, L. (2000). Parental stress attribute to family members with and without disability. Journal of Intellectual and Developmental Disability, 25(2), 105–118.

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Houtenville, A., Ruiz, T., Brucker, D., Gould, P., Guntz, N., Gianino, M., Goodrich, J., & Laurer, E. (2012). 2012 Annual disability statistics compendium. Durham, NH: University of New Hampshire, Research and Training Center on Disability Statistics.

Lewis, D., & Johnson, D. (2005). Costs of family care for individuals with disabilities. In R. Stancliffe & K. Lakin (Eds.), Costs and outcomes of community services for people with intellectual disabilities (pp. 63–89). Baltimore: Paul H. Brookes.

Mitra, S., Findley, P., & Sambamoorthi, U. (2009). Health care expenses of living with a disability: Total expenditures, out-of-pocket expenses, and burden. Archives of Physical Medicine and Rehabilitation, 90, 1532–1540.

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Stabile, M., & Allin, S. (2012). The economic costs of childhood disability. The Future of Children, 22(1), 66–96.

Thompson, L. (2004). Long-term care: Support for family caregivers. Georgetown University, Health Policy Institute.

Traute, B., & Hiebert-Murphy, D. (2002). Family adjustment to childhood developmental disability. Journal of Pediatric Psychology, 27(3), 271–280.
White-Means, S., & Dong, Z. (2012). Valuing the costs of family caregiving: Time and motion survey estimates. Consumer Interests Annual, 58(1), 1–6.

*Proposed Priority:*

The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for an RRTC on Family Support. The RRTC's work is intended to inform the design, implementation, and continuous improvement of Federal and State policies and programs related to assisting families in support, assistance, and nurturing of family members with disabilities. The RRTC would also identify and develop information for individuals with disabilities and their family members to guide their informed choice of community and family-based service and support options that best meet their needs.

The RRTC must be designed to contribute to better understanding of the phenomenon of family support; to improved community living and participation, health and function, and employment outcomes of individuals with disabilities supported by family members; and to effective support of family caregivers by—

(a) Developing and implementing a project research plan to identify the key elements of family support and family support programs and policy. This plan, once implemented by the grantee, must contribute to identification or development of relevant and high quality data and information that will serve as an empirical foundation for improving assistance to families in support roles and to family support policies and programs. This task includes:

(i) Developing a conceptual framework for research on family support that includes both individual and societal level characteristics that influence provision of family support, considering existing knowledge about family support barriers in other populations.

(ii) Developing and prioritizing a list of research questions and evaluation topics that, when addressed, would lead to research-based information that can be used to improve family support policies, practices, programs, communications, and outcomes.

(iii) Working with NIDRR and ACL to identify relevant data sets and informational resources that can be analyzed to address the questions and topics in the research plan; and

(iv) Working with NIDRR and ACL to identify gaps in data and information resources that are available to address the questions and topics in the research plan and to identify strategies to fill those gaps;

(b) Conducting research and research syntheses to describe the nature and extent of support that is being provided to individuals with disabilities by family members, and the extent to which the family caregivers themselves receive assistance in the form of education/training, counseling/psychosocial support, personal care, homemaker services, respite care and other relevant supports, as well as the amounts of assistance received and the private and public sources of payment for such assistance;

(c) Conducting research and research syntheses to identify and evaluate promising practices that States have used and could be adopted in other States to improve long-term services and supports for families of individuals with disabilities. This task includes—

(i) Identifying components of well-designed, effective State or local family support programs; and

(ii) Identifying and assessing methods for monitoring, tracking and evaluating States' approaches to supporting families, which may include, but are not limited to, methods for monitoring the experiences of individuals and costs for recipients of family support services within broader existing LTSS evaluation programs, such as the National Core Indicators or Participant Experience Survey; methods for understanding, monitoring and responding to the unique needs of individual families, including the family members with and without disabilities; and methods for evaluating the outcomes for individuals and families receiving family support services;

(d) Identifying and involving key stakeholders in the research and research planning activities conducted under paragraphs (a), (b) and (c) to maximize the relevance and usefulness of the research products being developed. Stakeholders must include, but are not limited to, individuals with disabilities and their families (including parents, siblings, and sons/daughters); national, State and local-level policymakers; service providers; and relevant researchers in the field of disability and rehabilitation research;

(e) Identifying, evaluating, and disseminating accessible information at the national, State, service provider, and individual levels on topics of importance to sustaining and developing appropriate and effective family support services, practices, policies, and programs. These topics include, but are not limited to: usefulness and effectiveness of current family support resources for families of differing circumstances; the roles of, and impact upon, families in the transitions from fee-for-service to integrated/managed long-term service and support systems; the roles and responsibilities of individuals with disabilities and their family members in the transition from agency-directed to consumer-directed services; best practices in supporting families both within and outside of disability services; accessing and coordinating community supports; the role of family-to-family and peer-to-peer support systems and other social networks; and other topics to be determined in collaboration with key stakeholders, NIDRR, and ACL representatives;

(f) Establishing a network of technical assistance providers and advocacy entities to assist in synthesizing and disseminating information related to implementing high quality family support policies, programs and practices for individuals with disabilities. Network members should include, but are not limited to: the Aging and Disability Resource Centers, the State Councils on Developmental Disabilities; Parent Training and Information Centers; Protection and Advocacy Client Assistance Programs; Centers for Independent Living, and private sector organizations that are recognized as national leaders in promoting family support policies, programs and research; and

(g) Serving as a national resource center related to family support by—

(i) Providing information and technical assistance to individuals with disabilities, family members, service providers, policymakers and other key stakeholders;

(ii) Providing training to facilitate understanding of the effective use of private and public options for the provision of supports to families, including training at the graduate, pre-service, and in-service levels, and to individuals with disabilities, families, and rehabilitation and other service providers. This training may be provided through conferences, workshops, public education programs, in-service training programs, and similar activities; and

(iii) Collaborating as appropriate with NIDRR's RRTC on Community Living Policy.

*Types of Priorities:*

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive

preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

*Absolute priority:* Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Competitive preference priority:* Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

*Final Priority:*

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

**Executive Orders 12866 and 13563**

*Regulatory Impact Analysis*

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed priority only upon a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this proposed priority is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years. Projects similar to one envisioned by the proposed priority have been completed successfully, and the proposed priority would generate new knowledge through research. The new RRTC would generate, disseminate, and promote the use of new information that would improve outcomes for individuals with disabilities in the areas of community living and participation, employment, and health and function.

*Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

Dated: March 18, 2014.

**Michael K. Yudin,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2014–06232 Filed 3–21–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No. 120710231–2473–01]**

**RIN 0648–BC33**

## Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Atlantic Sea Scallop Fishery

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

**ACTION:** Proposed rule, withdrawal.

**SUMMARY:** NMFS withdraws a proposed rule considering an emergency action that would have partially exempted the scallop fishery from fishing year 2012-related Georges Bank yellowtail flounder accountability measures. Because annual catch limit thresholds were not exceeded, there are no accountability measures from which to exempt the scallop fishery. As a result, the proposed rule is no longer necessary.

**DATES:** The proposed rule published on October 1, 2012 (77 FR 59883) is withdrawn as of March 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** William Whitmore, Fishery Policy Analyst, phone (978) 281–9182, fax (978) 281–9135.

**SUPPLEMENTARY INFORMATION:** On October 1, 2012, NMFS published a proposed rule considering emergency action to partially exempt the scallop fishery from fishing year 2012 Georges Bank (GB) yellowtail flounder accountability measures (77 FR 59883). Under the proposed rule, an accountability measure would have been triggered if either: (1) The scallop fishery exceeded its GB yellowtail flounder sub-annual catch limit (ACL) by more than 50 percent; or (2) the initial scallop GB yellowtail flounder sub-ACL was exceeded and the total GB yellowtail flounder fishery ACL was exceeded.

NMFS previously revised both the groundfish and scallop GB yellowtail flounder sub-ACLs for the 2012 fishing year (77 FR 41704; July 16, 2012). The revisions were based on updated projections of GB yellowtail flounder catch by the scallop fleet. As a result, the scallop fishery GB yellowtail flounder sub-ACL was substantially reduced from 307.5 mt to 156.9 mt, while the groundfish fishery's sub-ACL was increased from 217.7 mt to 368.3 mt.

As a result of this mid-year change, accountability measures for the scallop fleet could have been triggered at a much lower level of catch than originally anticipated at the start of the 2012 scallop fishing year. Recognizing this, the New England Fishery Management Council requested that NMFS utilize emergency rulemaking authority to exempt the scallop fishery from any accountability measure for catch below the initial scallop sub-ACL of 307.5 mt. The rationale for the proposed rule was that uncertainties remained about the projected yellowtail flounder catch, there was concern that the scallop fishery should not be subjected to accountability measures based on a significant decrease of the sub-ACL midway through the fishing year, and a backstop accountability measure would still take effect, should the entire ACL be exceeded.

Neither of the thresholds that would have resulted in the need to exempt the scallop fishery from accountability measures were met. In fishing year 2012, the scallop fishery harvested 164 mt of its 156.9 mt GB yellowtail flounder sub-ACL (or 104 percent of its allocation), but it did not exceed its initial GB yellowtail flounder sub-ACL of 307.5 mt by more than 50 percent as was the trigger. Further, only 70.3 percent of the entire GB yellowtail flounder ACL was harvested. Because neither of the accountability measure triggers were met, there is no need to partially exempt the scallop fishery from fishing year 2012 accountability measures, and we are withdrawing the proposed rule.

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

Dated: March 18, 2014.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2014–06421 Filed 3–21–14; 8:45 am]

**BILLING CODE 3510–22–P**

# Notices

Federal Register

Vol. 79, No. 56

Monday, March 24, 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

### Submission for OMB Review; Comment Request

March 18, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC, 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received by April 23, 2014. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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

#### Grain Inspection, Packers & Stockyards Administration

*Title:* Regulations and Related Reporting and Recordkeeping Requirements—Packers and Stockyards Programs.

*OMB Control Number:* 0580–0015.

*Summary of Collection:* The Grain Inspection, Packers and Stockyards Administration (GIPSA) administers the provisions of the Packers and Stockyards Act of 1921 (7 U.S.C. 181–229.) and the regulations under the Act. The Act is designed to protect the financial interests of livestock and poultry producers engaged in commerce of livestock and live poultry sold for slaughter. It also protects members of the livestock and poultry marketing, processing, and merchandising industries from unfair, unjustly discriminatory, deceptive, or anti-competitive practices in the livestock, meat, and poultry industries. GIPSA will collect information using several forms.

*Need and Use of the Information:* GIPSA requires regulated entities in the livestock, meat packing, and poultry industries to keep records, submit information to GIPSA, and provide information to third parties. GIPSA will collect information to monitor and examine financial, competitive and trade practices in the livestock, meatpacking, and poultry industries. Also, the information will help assure that the regulated entities do not engage in unfair, unjustly discriminatory, or deceptive trade practices or anti-competitive behavior.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 12,843.

*Frequency of Responses:* Recordkeeping; Third party disclosure; Reporting: On occasion; Semi-annually; Annually.

*Total Burden Hours:* 285,478.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2014–06340 Filed 3–21–14; 8:45 am]

BILLING CODE 3410–KD–P

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

March 19, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

#### Food and Nutrition Service

*Title:* 2014 Evaluation of the Summer Electronic Benefit Transfer for Children (SEBTC) Demonstration.

*OMB Control Number:* 0584–0559.

*Summary of Collection:* In the 2010 Agriculture Appropriations Act (Public Law 111–80). Section 7499g), Congress

authorized demonstration projects to develop and test methods of providing access to food for low-income children in urban and rural areas during the summer months when schools are not in regular sessions, as well as a rigorous independent evaluation of the projects regarding their effectiveness. The Summer Electronic Benefits for Children (SEBTC) Household-Based Demonstration on Food Insecurity carries out the demonstration projects Congress directed USDA to perform in this section of the Act.

*Need and Use of the Information:* The 2014 evaluation of SEBTC has two broad objectives (1) to describe the receipt and use of the benefits and (2) to describe the implementation of the SEBTC in terms of approaches used and the challenges and lessons learned during the demonstrations. If this study is not conducted, the Food and Nutrition Service will not have the data necessary to examine how the demonstration sites implemented SEBTC and how the benefits were used by households in 2014, which will be used to produce the required report to Congress and inform future program decisions.

*Description of Respondents:* State, Local or Tribal Government.

*Number of Respondents:* 18.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 16.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2014–06341 Filed 3–21–14; 8:45 am]

**BILLING CODE 3410–30–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

March 19, 2014.

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

Comments regarding these information collections are best assured of having their full effect if received by April 23, 2014. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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

#### Agricultural Marketing Service

*Title:* Farmers Market Promotion Program (FMPP).

*OMB Control Number:* 0581–0235.

*Summary of Collection:* The purposes of the Farmers Market Promotion Program (FMPP) are to increase domestic consumption of agricultural commodities by improving and expanding, assisting in the improvement and expansion, and to develop or aid in the development of new domestic farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure. The Farmer-to-Consumer Marketing Act of 1976 (Act) directs USDA to encourage the direct marketing of agricultural commodities from farmers to consumers, and to promote the development and expansion of direct marketing of agricultural commodities from farmers to consumers. The recently authorized Farmer's Market Promotion Program (FMPP) (7 U.S.C. 3005), Section 6 of 7 U.S.C. 3004 directs the Secretary of Agriculture to ''carry out a program to make grants to eligible entities for projects to establish, expand, and promote farmers' markets.''

*Need and Use of the Information:* The Agricultural Marketing Service will review grant application information to determine eligibility of applicants for participation in FMPP, evaluate goals, objectives, work-plans, expected results and budget for the project.

*Description of Respondents:* Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 1,500.

*Frequency of Responses:* Recordkeeping; Reporting: One time.

*Total Burden Hours:* 20,988.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2014–06342 Filed 3–21–14; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### Notice of Solicitation of Members to the National Genetic Research Advisory Council

**AGENCY:** Research, Education, and Economics, USDA.

**ACTION:** Solicitation of members.

**SUMMARY:** In accordance with the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.A. 5843), the United States Department of Agriculture announces the solicitation for nominations to fill four vacancies on the National Genetic Resources Advisory Council.

**DATES:** All nomination materials should be mailed in a single, complete package and postmarked or sent electronically by May 30, 2014.

**ADDRESSES:** All nomination packages must be sent to: Thomas Vilsack, Secretary, U.S. Department of Agriculture; 1400 Independence Avenue SW., Washington, DC 20250–2255, Attn: National Genetics Research Advisory Council, Room 3901, South Building.

**FOR FURTHER INFORMATION CONTACT:** Michele Esch, Executive Director, National Genetics Research Advisory Council, Room 3901, South Building, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250–0321 Telephone: 202–720–3684. Fax: 202–720–6199, or email: *Michele.esch@usda.gov.*

**SUPPLEMENTARY INFORMATION:** The Board is composed of 9 members. The NGRAC was re-established in 2012 as a permanent subcommittee of the National Agricultural Research,

Extension, Education, and Economics (NAREEE) Advisory Board to formulate recommendations on actions and policies for the collection, maintenance, and utilization of genetic resources; to make recommendations for coordination of genetic resources plans of several domestic and international organizations; and to advise the Secretary of Agriculture and the National Genetic Resources Program (NGRP) Director of new and innovative approaches to genetic resources conservation. The NGRAC will advise the Department on ways to ensure that the NGRP serves the needs of all farmers for high-quality and diverse seed (both conventionally bred and genetically engineered) for their particular farming operations. The NGRAC will also advise the department on developing a broad strategy for maintaining plant biodiversity available to agriculture, and strengthening public sector plant breeding capacities.

The terms of 4 members of the NGRAC expired on September 30, 2013. Nominations for a 4-year appointment, effective October 1, 2013 through September 30, 2017, for these 4 vacant positions are sought. The NGRAC membership is required to have two-thirds of the appointed members from scientific disciplines relevant to the NGRP including agricultural sciences, environmental sciences, natural resource sciences, health sciences, and nutritional sciences; and one-third of the appointed members from the general public including leaders in fields of public policy, trade, international development, law, or management. The 4 slots to be filled are to be composed of 3 scientific members and 1 general public member. All nominees will be carefully reviewed for their expertise, leadership, and relevance. All nominees will be vetted before selection.

Individuals and organizations who wish to nominate experts for this or any other USDA advisory committee should submit a letter to the Secretary listing these individuals' names and business address, phone, and email contact information. These individuals may be contacted now or in the future to determine their interest in serving as a committee member.

Candidates who wish to be considered for membership on the National Genetic Research Advisory Council *must* submit an AD–755, "*Advisory Committee Membership Background Information,*" application form and their resume to the Secretary of Agriculture. Cover letters should be addressed to the Secretary of Agriculture. The application form and more information about advisory committees can be found at *www.usda.gov/advisory_committees.xml.*

Nominations are open to *all* individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure the recommendations of the Advisory Board take into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent all racial and ethnic groups, geographical areas, women and men, and persons with disabilities.

Appointments to the National Genetic Research Advisory Council will be made by the Secretary of Agriculture.

Done at Washington, DC this 10th day of March 2014.

**Ann Bartuska,**

*Deputy Under Secretary, Research, Education, and Economics.*

[FR Doc. 2014–06276 Filed 3–21–14; 8:45 am]

BILLING CODE 3410–03–P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2013–0105]**

### Notice of Availability of Evaluations of the Foot-and-Mouth Disease and Rinderpest Status of a Region of Patagonia, Argentina

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of availability; extension of comment period.

**SUMMARY:** We are extending the comment period for our notice that announced our determination that a region of Argentina, consisting of the areas of Patagonia South and Patagonia North B, is free of foot-and-mouth disease. In that notice we also announced the availability of an evaluation assessing the rinderpest status of South America, which includes Argentina, and our determination, based on our evaluation, that rinderpest is not present in the entirety of Argentina. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** The comment period for the notice published on January 23, 2014 (79 FR 3775) is extended. We will consider all comments that we receive on or before April 23, 2014.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0105-0001.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS-2013-0105, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0105* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Silvia Kreindel, Senior Staff Veterinarian, Regionalization Evaluation Services, National Import Export Services, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 851–3308.

**SUPPLEMENTARY INFORMATION:** On January 23, 2014, we published in the **Federal Register** (79 FR 3775–3777, Docket No. APHIS–2013–0105) a notice announcing the availability of our evaluation of the foot-and-mouth disease status of a region of Argentina, consisting of the areas of Patagonia South and Patagonia North B, as well as an evaluation assessing the rinderpest status of South America, for public review and comment.

Comments on the notice were required to be received on or before March 24, 2014. We are extending the comment period on Docket No. APHIS–2013–0105 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments.

**Authority:** 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 19th day of March 2014.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2014–06358 Filed 3–21–14; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

### Risk Management Agency; 2014 Farm Bill Implementation Listening Session; Correction

**AGENCY:** Farm Service Agency and Risk Management Agency, USDA.

**ACTION:** Notice; correction.

**SUMMARY:** The Farm Service Agency (FSA) and the Risk Management Agency (RMA) published a document in the **Federal Register** of March 14, 2014. FSA and RMA are making a correction to the **DATES** section for the registration.

**FOR FURTHER INFORMATION CONTACT:** Robert Stephenson; phone: (202) 720–4019. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

**SUPPLEMENTARY INFORMATION:** FSA and RMA are making a correction to the **DATES** section in the notice that was published on March 14, 2014 (79 FR 14472–14474). As it was stated later in that notice, the correct registration date is March 25, 2014, as the deadline to register for attending the listening session and to provide oral comments during the listening section.

**Correction**

In the **Federal Register** of March 14, 2014, in FR 79 14472–14474, on page 14473, in the first column, correct the **DATES** section in the ''Registration:'' to read:

Registration: You must register by March 25, 2014, to attend the listening session and to provide oral comments during the listening session.

Signed on March 18, 2014.

**Michael T. Scuse,**

*Under Secretary, Farm and Foreign Agricultural Services.*

[FR Doc. 2014–06393 Filed 3–19–14; 4:15 pm]

**BILLING CODE 3410–05–P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

### Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program Repayment Demand and Program Disqualification

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed information collection. This is a revision of currently approved information collection requirements associated with initiating collection actions against households who have received an overissuance in the Supplemental Nutrition Assistance Program (SNAP).

**DATES:** Written comments must be submitted on or before May 23, 2014.

**ADDRESSES:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Jane Duffield, Chief, State Administration Branch, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 822, Alexandria, VA 22302. Comments may also be submitted via email to *SNAPSAB@fns.usda.gov*, or through the federal eRulemaking Portal. Go to *http://www.regulations.gov*, and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the FNS office located at 3101 Park Center Drive, Room 822, Alexandria, Virginia 22302, during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday).

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Kelly Stewart at 703–305–2425.

**SUPPLEMENTARY INFORMATION:** *Title:* Supplemental Nutrition Assistance Program Repayment Demand and Program Disqualification

*OMB Number:* 0584–0492

*Form Number:* None

*Expiration Date:* September 30, 2014

*Type of Request:* Revision of a currently approved collection.

*Abstract:* Section 13(b) of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2022(b)), and Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.18(a)(2) require State agencies to initiate collection action against households that have been overissued benefits. To initiate collection action, State agencies must provide an affected household with written notification informing the household of the claim and demanding repayment. This process is automated in most State agencies. Note that for overissuance claims, this information collection only covers the activities associated with initiating collection. The burden associated with reporting collections and other claims management information on form FNS–209 is covered under currently approved OMB number 0584–0069, expiration date 9/30/2015. The burden associated with referring delinquent claims and receiving collections through the Treasury Offset Program is covered under currently approved OMB number 0584–0446, expiration date 4/30/2016.

SNAP regulations at 7 CFR 273.16(a)(1) require State agencies to investigate any case of suspected fraud and, where applicable, make an intentional Program violation (IPV) determination either administratively or judicially. Notifications and activities involved in the IPV process include:

- 7 CFR 273.16(e)(3)—The State agency providing written notification informing an individual suspected of committing an IPV of an impending administrative disqualification hearing or court action;
- 7 CFR 273.16(f)(2) and 273.16(h)(2)—An individual opting to accept the disqualification and waiving the right to an administrative disqualification hearing or court action by signing either a waiver to an administrative disqualification hearing or a disqualification consent agreement in cases of deferred adjudication and returning it to the State agency; and
- 7 CFR 273.16(e)(9)—Once a determination is made regarding an IPV, the State agency sending notification to the affected individual of the action taken on the administrative disqualification hearing or court decision.

SNAP regulations at 7 CFR 273.16(i)(4) require State agencies to use disqualified recipient data to ascertain the correct penalty for IPVs, based on prior disqualifications. State agencies determine this by accessing and reviewing records located in the

Electronic Disqualified Recipient System (eDRS). eDRS is an automated system developed by FNS that contains records of disqualifications in every State. State agencies are also responsible for updating the system, as required at 273.16(i)(2)(i), which includes reporting disqualifications in eDRS as they occur and updating eDRS when records are no longer accurate, relevant, or complete.

**Summary of Estimated Burden**

The burden consists of two major components: the initiation of overissuance collection and actions associated with IPV determinations. The estimated total annual burden for this collection is 207,833 hours (141,506 SA reporting hours + 33,455 SA recordkeeping hours + 32,872 household reporting hours). The net aggregate change to this collection is an increase of 41,487 total burden hours from the currently approved burden of 166,346 hours. The burden hours associated with overissuance collection initiation have increased due to an increase in the amount of claims established in fiscal year (FY) 2012. The burden hours associated with IPV activity have decreased slightly as a result of a decreased number of SNAP households that States initiated IPV activity against in FY 2012.

*Affected Public:* State, Local and Tribal government (SA); Individual/Households (I/H),

*Respondent Type:* SNAP participants

**SA Reporting Burden**

*Estimated Number of Respondents:* 53
*Estimate Total Number of Responses per Respondent:* 20,660.730
*Estimated Total Annual Responses:* 1,095,018
*Estimated Time per Response:* 0.12923
*Estimated Total Annual Reporting Burden:* 141,506.314

*Initiation of Overissuance Collection*

For activities related to initiating collection on an overissuance, the estimated annual burden for State agency reporting is increased by 30,616 hours (122,339 − 91,723 = 30,616).

*IPV Determinations*

The State agencies' annual reporting burden for activities related to IPV hearing and disqualification notices decreased by −2,367 hours (15,381 − 13,014 = −2,367), and activities associated with accessing and updating eDRS decreased by −1,122 hours (7,275 − 6,153 = −1,122).

**SA Recordkeeping Burden**

*Estimated Number of Recordkeepers:* 53
*Estimated Total Records per Recordkeeper:* 18,938.606
*Estimated Total Annual Records:* 1,003,746
*Estimated Average # of Hours per Response:* 0.03333
*Estimated Total Recordkeeping Hours:* 33,454.854

*Initiation of Overissuance Collection*

For activities related to initiating collection on an overissuance, we are increasing the estimated annual burden for State agency recordkeeping by 7,652 hours (30,583 − 22,931 = 7,652).

*IPV Determinations*

States' annual recordkeeping burden for the IPV related activities decreased by -523 burden hours (3,395 − 2,872 = −523). There are no State agency recordkeeping requirements for eDRS.

**I/H Reporting Burden**

*Estimated Number of Respondents:* 1,030,013
*Estimated Number of Responses per Respondent:* 1.0
*Total Number of Annual Responses:* 1,030,013
*Estimated Time per Response:* 0.03191
*Estimated Total Annual Reporting Burden:* 32,872.537

*Initiation of Overissuance Collection*

For activities related to initiating collection on an overissuance, we are increasing the household reporting burden by 7,652 hours (30,583 − 22,931 = 7,652).

*IPV Hearing Notices and Disqualifications*

The household annual reporting burden for the activities related to IPV disqualifications has also decreased by −420 hours (2,710 − 2,290 = −420). There is no household reporting burden for eDRS.

*Grand Total Burden Reporting and Recordkeeping Burden:* 207,833.705

STATE AGENCY__REPORTING BURDEN

| Title | CFR Section of regulations | Estimated number respondents | Responses per respondent | Total annual responses (Col. DxE) | Estimated avg. number of hours per response | Estimated total hours (Col. FxG) | Previously approved | Due to program change | Due to an adjustment | Total difference |
|---|---|---|---|---|---|---|---|---|---|---|
| Demand Letter for Overissuance | 273.18(a)(2) | 53 | 17,312.57 | 917,566.00 | 0.13333 | 122,339.075 | 91,722.931 | 0.000 | 30,616.144 | 30,616.144 |
| Notice for Hearing or Prosecution | 273.16(e)(3) | 53 | 825.34 | 43,743.00 | 0.13333 | 5,832.254 | 6,892.361 | 0.000 | −1,060.107 | −1,060.107 |
| *Action Taken on Hearing or Court Decision:* For IPV Findings | 273.16(e)(9) | 53 | 800.70 | 42,437.00 | 0.16667 | 7,072.975 | 8,362.665 | 0.000 | −1,289.690 | −1,289.690 |
| *Action Taken on Hearing or Court Decision:* For No IPV Findings | 273.16(e)(9) | 53 | 24.64 | 1,306.00 | 0.08333 | 108.829 | 126.328 | 0.000 | −17.499 | −17.499 |
| *Electronic Disqualified Recipient System Breakout:* For eDRS Reporting | 273.16(i)(2)(i) | 53 | 800.70 | 42,437.00 | 0.08333 | 3,536.275 | 4,181.483 | 0.000 | −645.208 | −645.208 |
| *Electronic Disqualified Recipient System Breakout:* For Editing and Resubmission | 273.16(i)(2)(i)) | 53 | 96.08 | 5,092.00 | 0.16667 | 848.684 | 1,003.520 | 0.000 | −154.836 | −154.836 |
| *Electronic Disqualified Recipient System Breakout:* For Penalty Checks using Mainframe | 273.16(i)(4) | 53 | 800.70 | 42,437.00 | 0.04167 | 1,768.222 | 2,090.717 | 0.000 | −322.495 | −322.495 |
| Total State Agency Reporting Burden | | 53 | 20,660.730 | 1,095,018.000 | 0.12923 | 141,506.314 | 114,380.005 | 0.000 | 27,126.309 | 27,126.309 |

**Recordkeeping**

| Title | Estimated number recordkeepers | Records per recordkeeper | Annual records | Estimated avg. number of hours per records | Estimated total annual records | Previously approved | Due to program change | Due to an adjustment | Total difference | |
|---|---|---|---|---|---|---|---|---|---|---|
| *Recordkeeping Breakout:* For initiating Collection Action | *272.1(f)* | 53 | 17,312.57 | 917,566.00 | 0.03333 | 30,582.475 | 22,930.504 | 0.000 | 7,651.971 | 7,651.971 |
| *Recordkeeping Breakout:* For IPVs | *272.1(f)* | 53 | 1,626.04 | 86,180.00 | 0.03333 | 2,872.379 | 3,395.699 | 0.000 | −523.320 | −523.320 |
| Total State Agency Recordkeeping Burden | | 53 | 18,938.606 | 1,003,746.000 | 0.03333 | 33,454.854 | 26,326.203 | 0.000 | 7,128.651 | 7,128.651 |

| | CFR section of regulations | Estimated number respondents | Responses per respondent | Total annual responses | Estimated avg. number of hours per response | Estimated total hours | Previously approved | Due to program change | Due to an adjustment | Total difference |
|---|---|---|---|---|---|---|---|---|---|---|
| TOTAL STATE AGENCY BURDEN | | 53 | 39,599.321 | 2,098,764.000 | 0.08336 | 174,961.168 | 140,706.208 | 0.000 | 34,254.960 | 34,254.960 |

| Title | | Estimated number respondents | Responses per respondent | Total annual responses (Col. DxE) | Estimated avg. number of hours per response | Estimated total hours (Col. FxG) | Previously approved | Due to program change | Due to an adjustment | Total difference |
|---|---|---|---|---|---|---|---|---|---|---|
| **HOUSEHOLD** | | | | | | | | | | |
| **Reporting Burden** | | | | | | | | | | |
| Demand Letter for Overissuance | 273.18(a)(2) | 917,566.00 | 1.00 | 917,566.00 | 0.03333 | 30,582.475 | 22,930.504 | 0.000 | 7,651.971 | 7,651.971 |
| Notice for Hearing or Prosecution | 273.16(e)(3) | 43,743.00 | 1.00 | 43,743.00 | 0.016667 | 729.065 | 861.532 | 0.000 | −132.467 | −132.467 |
| Administrative Disqualification Hearing Waiver | 273.16(f)(2) | 18,112.00 | 1.00 | 18,112.00 | 0.03333 | 603.673 | 711.062 | 0.000 | −107.389 | −107.389 |
| Disqualification Consent Agreement | 273.16(f)(2) | 6,849.00 | 1.00 | 6,849.00 | 0.03333 | 228.277 | 275.706 | 0.000 | −47.429 | −47.429 |
| *Action Taken on Hearing or Court Decision:* For IPV Findings | 273.16(e)(9) | 42,437.00 | 1.00 | 42,437.00 | 0.016667 | 707.281 | 836.297 | 0.000 | −129.016 | −129.016 |
| *Action Taken on Hearing or Court Decision:* For No IPV Findings | 273.16(e)(9) | 1,306.00 | 1.00 | 1,306.00 | 0.016667 | 21.767 | 25.266 | 0.000 | −3.499 | −3.499 |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Total Household Reporting Burden | ..... | 1,030,013 | 1.00000 | 1,030,013.000 | 0.03191 | 32,872.537 | 25,640.367 | 0.000 | 7,232.170 | 7,232.170 |
| **SUMMARY OF BURDEN** | | | | | | | | | | |
| State Agency Level | ..... | 53 | ..... | 2,098,764.000 | ..... | 174,961.168 | 140,706.208 | 0.000 | 34,254.960 | 34,254.960 |
| Household | ..... | 1,030,013 | ..... | 1,030,013.000 | ..... | 32,872.537 | 25,640.367 | 0.000 | 7,232.170 | 7,232.170 |
| TOTAL BURDEN THIS COLLECTION | ..... | 1,030,066 | 3.03745 | 3,128,777.000 | 0.06643 | 207,833.705 | 166,346.575 | 0.000 | 41,487.130 | 41,487.130 |

Dated: March 14, 2014.

**Audrey Rowe,**

*Administrator, Food and Nutrition Service.*

[FR Doc. 2014–06282 Filed 3–21–14; 8:45 am]

**BILLING CODE 3410–30–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Daniel Boone Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Daniel Boone Forest Resource Advisory Committee (RAC) will meet in London, Kentucky. 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 title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend projects authorized under title II of the Act.

**DATES:** The meeting will be held on May 6, 2014 at 6 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held at the Cumberland Valley Area Development District, 342 Old Whitley Road, London, Kentucky; in a meeting room on the basement floor.

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 Daniel Boone National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Morgan, RAC Coordinator, by phone at 859–745–3100 or by email at *kmorgan@fs.fed.us.*

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 accommodation for access to the facilty or proceedings by contacting the person listed above.

**SUPPLEMENTARY INFORMATION:** Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/detail/dbnf/workingtogether/?cid=fsbdev3_032658.* 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 April 25, 2014 to be scheduled on the agenda. Anyone who would like to bring related matter to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Kimberly Morgan, RAC Coordinator, Daniel Boone NF Supervisor's Office, 1700 Bypass Road, Winchester, Kentucky 40391; or by email to *kmorgan@fs.fed.us,* or via facsimile to 859–744–1568.

*Meeting Accommodations:* If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: March 14, 2014.

**Bill Lorenz,**

*Acting Forest Supervisor.*

[FR Doc. 2014–06330 Filed 3–21–14; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Missoula Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Missoula Resource Advisory Committee (RAC) will meet in Missoula, 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 and vote on submitted proposals, and receive public comment on the meeting subjects and proceedings.

**DATES:** The meeting will be held on Monday, April 21, 2014 from 4:00 p.m. to 6:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under *For Further Information Contact.*

**ADDRESSES:** The meeting will be held at Missoula County Courthouse, Room Admin B14, 199 West Pine Street, Missoula, 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 Missoula Ranger District. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Boyd Hartwig, RAC Coordinator, by phone at 406–329–1024, or via email at *bchartwig@fs.fed.us.*

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 accommodation for access to the facility or procedings by contacting the person listed above.

**SUPPLEMENTARY INFORMATION:** Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/RAC/D5F1A3E5331046658825754600711 9C9?OpenDocument.* The agenda will include time for people to make oral statements of three minutes or less. 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. Written comments must be sent to Boyd Hartwig; Lolo National Forest Supervisor's Office, Building 24 Fort Missoula Road, Missoula, Montana 59804; or by email: *bchartwig@fs.fed.us.*

*Meeting Accommodations:* If you are a person requiring reasonable accommodation, please make requests

in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: March 14, 2014.

**Paul Matter,**

*Missoula District Ranger.*

[FR Doc. 2014–06333 Filed 3–21–14; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–552–802]**

### Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** In response to requests from interested parties, the Department of Commerce (''Department'') is conducting the administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (''Vietnam'') for the period of review February 1, 2012, through January 31, 2013. The Department preliminarily determines that sales by the Minh Phu Group,[1] and Stapimex,[2] the two mandatory respondents, were made below normal value (''NV''). Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Bob Palmer and Irene Gorelik, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9068 and (202) 482–6905, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Scope of the Order

The merchandise subject to the *Order*[3] is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.[4]

#### Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (''the Act''). Constructed export prices and export prices were calculated in accordance with section 772 of the Act. Because Vietnam is a nonmarket economy within the meaning of section 771(18) of the Act, NV was calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist:

| Exporter | Weighted-average margin % |
|---|---|
| Minh Phu Group:[5] | 4.98 |
| Minh Phu Seafood Corp., aka | |
| Minh Phu Seafood Corporation, aka | |
| Minh Phu Seafood Pte, aka | |
| Minh Phu Hau Giang Seafood Co., Ltd., aka | |
| Minh Phat Seafood Co., Ltd., aka | |
| Minh Qui Seafood Co., Ltd | |
| Soc Trang Seafood Joint Stock Company, aka | 9.75 |
| Stapimex, aka | |
| Soc Trang Aquatic Products and General Import Export Company, aka | |
| Stapimex Soc Trans Aquatic Products and General Import Export Company, aka | |
| Stapmex | |
| BIM Seafood Joint Stock Company | 6.37 |
| Camau Frozen Seafood Processing Import Export Corporation, aka | 6.37 |
| Camimex, aka | |
| Camau Seafood Factory No. 4, aka | |
| Camau Seafood Factory No. 5, aka | |
| Camau Frozen Seafood Processing Import Export Corp., (CAMIMEX–FAC 25), aka | |
| Frozen Factory No. 4 | |

[1] Minh Phu Seafood Corporation, Minh Qui Seafood Co., Ltd., Minh Phat Seafood Co., Ltd., and Minh Phu Hau Giang Seafood Co., Ltd. (collectively, the ''Minh Phu Group'').

[2] Soc Trang Seafood Joint Stock Company (''Stapimex'').

[3] *See Certain Frozen Warmwater Shrimp From Brazil, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision,* 76 FR 23277 (April 26, 2011) (''*Order*'').

[4] For a complete description of the Scope of the Order, *see* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, titled ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam; 2012–2013,'' dated concurrently with and adopted by this notice (''Preliminary Decision Memorandum'').

| Exporter | Weighted-average margin % |
|---|---|
| C.P. Vietnam Corporation, aka | 6.37 |
| C.P. Vietnam Livestock Corporation, aka | |
| C.P. Vietnam Livestock Company Limited, aka | |
| C.P. Vietnam | |
| Cadovimex Seafood Import-Export and Processing Joint Stock Company, aka | 6.37 |
| Cai Doi Vam Seafood Import-Export Company, aka | |
| Caidoivam Seafood Company, aka | |
| Cadovimex-Vietnam, aka | |
| Cadovimex | |
| Cafatex Fishery Joint Stock Corporation, aka Cafatex Corporation, aka | 6.37 |
| Cafatex Corp., aka | |
| Cafatex, aka | |
| Taydo Seafood Enterprise, aka | |
| Xi Nghiep Che Bien Thuy Suc San Xuat Kau Cantho | |
| Camau Seafood Processing and Service Joint Stock Company | 6.37 |
| Can Tho Import Export Fishery Limited Company, aka | 6.37 |
| CAFISH | |
| Coastal Fisheries Development Corporation, aka | 6.37 |
| COFIDEC, aka | |
| Coastal Fisheries Development Corp., aka | |
| Coastal Fisheries Development Co., aka | |
| Coastal Fisheries Development | |
| Cuu Long Seaproducts Company, aka | 6.37 |
| Cuu Long Seaproducts Limited, aka | |
| Cuulong Seapro aka | |
| Cuu Long Seapro | |
| Danang Seaproducts Import Export Corporation, aka | 6.37 |
| Danang Sea Products Import Export Corporation, aka | |
| Tho Quang Seafood Processing & Export Company, aka | |
| Tho Quang Seafood Processing and Export Company, aka | |
| Tho Quang, aka | |
| Tho Quang Co., aka | |
| Seaprodex Danang | |
| Gallant Ocean (Vietnam) Co., Ltd | 6.37 |
| Hai Viet Corporation | 6.37 |
| Investment Commerce Fisheries Corporation, aka | 6.37 |
| Investment Commerce Fisheries Corp., aka | |
| Investment Commerce Fisheries, aka | |
| Incomfish, aka | |
| Incomfish Corp., aka | |
| Incomfish Corporation | |
| Kim Anh Company Limited, aka | 6.37 |
| Kim Anh Co., Ltd | |
| Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka | 6.37 |
| Minh Hai Jostoco, aka | |
| Minh Hai Joint-Stock Seafoods Processing Company, aka | 6.37 |
| Seaprodex Minh Hai, aka | |
| Sea Minh Hai, aka | |
| Seaprodex Min Hai, aka | |
| Seaprodex Minh Hai-Factory No. 78, aka | |
| Seaprodex Minh Hai (Minh Hai Joint Stock Seafoods Processing Co.), aka | |
| Seaprodex Minh Hai (Workshop 1), aka | |
| Seaprodex Minh Hai Factory No. 69 | |
| Minh Hai Sea Products Import Export Company, aka | 6.37 |
| Ca Mau Seafood Joint Stock Company, aka | |
| Seaprimexco Vietnam aka | |
| Seaprimexco aka | |
| Minh Hai Seaproducts Co., Ltd | |
| Nha Trang Fisheries Joint Stock Company, aka | 6.37 |
| Nha Trang Fisco aka | |
| Nhatrang Fisheries Joint Stock Company, aka | |
| Nhatrang Fisco, aka | |
| Nha Trang Fisheries, Joint Stock | |
| Nha Trang Seafoods: [6] | 6.37 |
| Nha Trang Seaproducts Company, aka | |
| Nha Trang Seafoods, aka | |
| NT Seafoods Corporation, aka | |
| NT Seafoods, aka | |
| Nha Trang Seafoods—F.89 Joint Stock Company, aka | |
| Nha Trang Seafoods—F.89, aka | |
| NTSF Seafoods Joint Stock Company, aka | |

| Exporter | Weighted-average margin % |
|---|---|
| NTSF Seafoods | |
| Phu Cuong Jostoco Seafood Corporation, aka | 6.37 |
| Phu Cuong Seafood Processing and Import-Export Co., Ltd., aka | |
| Phu Cuong Seafood Processing and Import Export Company Limited, aka | |
| Phu Cuong Jostoco Seafood Corp | |
| Phuong Nam Foodstuff Corp., aka | 6.37 |
| Phuong Nam Co., Ltd | |
| Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd | 6.37 |
| Sao Ta Foods Joint Stock Company, aka | 6.37 |
| Fimex VN aka | |
| Sao Ta Seafood Factory aka | |
| Saota Seafood Factory | |
| Thong Thuan Company Limited, aka | 6.37 |
| Cong Ty Tnhh Thong Thuan | |
| Thuan Phuoc Seafoods and Trading Corporation, aka | 6.37 |
| Thuan Phuoc Corp., aka | |
| Frozen Seafoods Factory No. 32, aka | |
| Seafoods and Foodstuff Factory, aka | |
| Seafoods and Foodstuff Factory Vietnam, aka | |
| My Son Seafoods Factory | |
| UTXI Aquatic Products Processing Corporation, aka | 6.37 |
| UT XI Aquatic Products Processing Corporation, aka | |
| UTXI Aquatic Products Processing Company, aka | |
| UT XI Aquatic Products Processing Company, aka | |
| UTXI Co., Ltd., aka | |
| UTXI, aka | |
| UTXICO, aka | |
| Hoang Phuong Seafood Factory, aka | |
| Hoang Phong Seafood Factory | |
| Viet Foods Co., Ltd., aka | 6.37 |
| Nam Hai Foodstuff and Export Company Ltd | |
| Vietnam Clean Seafood Corporation, aka | 6.37 |
| Vina Cleanfood | |
| Viet Hai Seafood Co., Ltd., aka | 6.37 |
| Vietnam Fish One Co., Ltd., aka | |
| Fish One | |
| Viet I-Mei Frozen Foods Co., Ltd | 6.37 |
| Vietnam-wide Entity | 25.76 |

## Disclosure and Public Comment

The Department will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice. Interested parties may submit written comments in the form of case briefs within 30 days of publication of the preliminary results and rebuttal comments in the form of rebuttal briefs within five days after the time limit for filing case briefs.[7] Rebuttal briefs must be limited to issues raised in the case briefs.[8] Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9]

Interested parties, who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety in IA ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[10] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing. Interested parties are invited to comment on the preliminary results of this review.

The Department intends to issue the final results of this administrative review, including the results of our analysis of issues raised in the written

[5] In *AR6 VN Shrimp,* the Department found the companies comprising the Minh Phu Group are a single entity and, because there have been no changes to the facts which supported this determination since the sixth administrative review, we continue to find these companies to be part of a single entity. Therefore, we will assign this rate to the companies in the single entity. *See Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results of Administrative Review,* 77 FR 13547, 13549 (March 7, 2012), unchanged in *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review,* 77 FR 55800 (September 11, 2012) (''*AR6 VN Shrimp*'').

[6] In *AR5 VN Shrimp,* the Department found the companies comprising Nha Trang Seafoods are a single entity and, because there have been no changes to the fact which supported this determination since the fifth administrative review; we continue to find these companies to be part of a single entity. Therefore, we will assign this rate to the companies in the single entity. *See Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results, Partial Rescission, and Request for Revocation, In Part, of the Fifth Administrative Review,* 76 FR 12054, 12056 (March 4, 2012), unchanged in *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review,* 76 FR 56158 (September 12, 2011) (''*AR5 VN Shrimp*'').

[7] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[8] *See* 19 CFR 351.309(d)(2).

[9] *See* 19 CFR 351.309(c) and (d).

[10] *See* 19 CFR 351.310(c).

comments, within 120 days of publication of these preliminary results in the **Federal Register**.

**Assessment Rates**

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries covered by this review.[11] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For any individually examined respondent whose weighted average dumping margin is above *de minimis* (*i.e.,* is 0.50 percent or more) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales, in accordance with 19 CFR 351.212(b)(1).[12] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For those companies not assigned a separate rate from a prior segment of the proceeding, the Department stated that they are not separate from the Vietnam-wide entity and that the administrative review will continue for these companies.

The Department recently announced a refinement to its assessment practice in non-market economy cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the Vietnam-wide rate. Additionally, if the Department determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the Vietnam-wide rate.[13]

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above, which have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Vietnam and non-Vietnam exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Vietnam exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the Vietnam-wide entity; and (4) for all non-Vietnam exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnam exporter that supplied that non-Vietnam exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: March 18, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix

**List of Topics Discussed in the Preliminary Decision Memorandum:**

1. Background
2. Respondent Selection
3. Scope of the Order
4. Preliminary Determination of No Shipments
5. Non-Market Economy Country
6. Separate Rates
7. Separate Rate Calculation
8. Vietnam-Wide Entity
9. Surrogate Country and Surrogate Value Data
10. Surrogate Country
11. Economic Comparability
12. Significant Producers of Comparable Merchandise
13. Data Availability
14. Date of Sale
15. Determination of Comparison Method
16. U.S. Price
17. Factor Valuations
18. Currency Conversion

[FR Doc. 2014–06397 Filed 3–21–14; 8:45 am]

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[11] *See* 19 CFR 351.212(b).

[12] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[13] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–929]**

### Small Diameter Graphite Electrodes from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission; 2012–2013

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on small diameter graphite electrodes (graphite electrodes) from the People's Republic of China (PRC), covering the period February 1, 2012, through January 31, 2013. The Department has preliminarily determined that during the period of review (POR) certain companies covered by this review have made sales of subject merchandise at less than normal value, and that other companies are now part of the PRC-wide entity.[1] Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 24, 2014.

[1] Due to the closure of the Federal Government in Washington, DC on March 17, 2014, the Department reached this determination on the next business day (*i.e.,* March 18, 2014).[1]

**FOR FURTHER INFORMATION CONTACT:** Dmitry Vladimirov or Michael A. Romani, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0665 or (202) 482–0198, respectively.

## Scope of the Order

The merchandise covered by the order includes all small diameter graphite electrodes with a nominal or actual diameter of 400 millimeters (16 inches) or less and graphite pin joining systems for small diameter graphite electrodes. Small diameter graphite electrodes and graphite pin joining systems for small diameter graphite electrodes that are subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8545.11.0010, 3801.10, and 8545.11.0020. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[2]

## Partial Rescission of the Administrative Review

Based on the withdrawal of the requests for review and because the companies previously established their entitlement to a separate rate, we are rescinding this administrative review with respect to 17 companies named in the *Initiation Notice*[3] and listed in the attachment to this notice as Appendix II.

## Preliminary Determination of No Shipments

UK Carbon and Graphite Co., Ltd. (UKCG) filed a timely ''no shipment'' certification stating that it had no exports, sales, or entries of subject merchandise during the POR and requested that we rescind the administrative review with respect to UKCG.[4] We subsequently confirmed with U.S. Customs and Border Protection (CBP) the ''no shipment'' claim made by UKCG.[5] Based on the certification provided by UKCG and our analysis of CBP information, we preliminarily determine that UKCG did not have any reviewable transactions during the POR. In addition, we find that, consistent with the refinement to our assessment practice in non-market economy cases, further discussed below, it is appropriate not to rescind the review in part in these circumstances but, rather, to complete the review with respect to UKCG and issue appropriate instructions to CBP based on the final results of the review.[6]

## Methodology

The Department has conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For the Fangda Group,[7] export prices have been calculated in accordance with section 772 of the Act. Because the PRC is a non-market economy (NME) within the meaning of section 771(18) of the Act, normal value has been calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

We determined that Fushun Jinly is not entitled to a separate rate and should be treated as part of the PRC entity. For a full discussion of the rationale underlying our decision, *see* Preliminary Decision Memorandum.

## Preliminary Results of Review

The Department has determined that the following preliminary dumping margins exist for the period February 1, 2012, through January 31, 2013:

| Company | Margin (percent) |
|---|---|
| Beijing Fangda Carbon Tech Co., Ltd | 21.16 |
| Chengdu Rongguang Carbon Co., Ltd | 21.16 |
| Fangda Carbon New Material Co., Ltd | 21.16 |
| Fushun Carbon Co., Ltd | 21.16 |
| Hefei Carbon Co., Ltd | 21.16 |
| Xinghe County Muzi Carbon Co., Ltd | 21.16 |
| Jilin Carbon Import and Export Company | 21.16 |
| PRC-wide entity † | 159.64 |

† The PRC-wide entity includes the companies listed in Appendix III.

## Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* 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. Eastern

[2] *See* memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Small Diameter Graphite Electrodes from the People's Republic of China'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 19197 (March 29, 2013) (*Initiation Notice*).

[4] *See* UKCG's letter, dated April 4, 2013.

[5] *See* CBP message 3163308, dated June 12, 2013.

[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011); *see also* the ''Assessment Rates'' section below.

[7] The Fangda Group consists of Beijing Fangda Carbon Tech Co., Ltd., Chengdu Rongguang Carbon Co., Ltd., Fangda Carbon New Material Co., Ltd., Fushun Carbon Co., Ltd., and Hefei Carbon Co., Ltd. We refer to the Fangda Group as a single entity pursuant to 19 CFR 351.401(f)(1). *See Small Diameter Graphite Electrodes From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances, in Part,* 73 FR 49408, 49411–12 (August 21, 2008) (where we collapsed the individual members of the Fangda Group), unchanged in *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China,* 74 FR 2049 (January 14, 2009).

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.309(c)(2) and (d)(2); *see also* 19 CFR 351.303 (for general filing requirements).

Standard Time within 30 days after the date of publication of this notice.[10] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

**Deadline for Submission of Publicly Available Surrogate Value Information**

In accordance with 19 CFR 351.301(c)(3)(ii), the deadline for submission of publicly available information to value factors of production under 19 CFR 351.408(c) is 20 days after the date of publication of these preliminary results.[11] In accordance with 19 CFR 351.301(c)(1), if an interested party submits factual information less than ten days before, on, or after (if the Department has extended the deadline), the applicable deadline for submission of such factual information, an interested party may submit factual information to rebut, clarify, or correct the factual information no later than ten days after such factual information is served on the interested party. However, the Department generally will not accept in the rebuttal submission additional or alternative surrogate value information not previously on the record, if the deadline for submission of surrogate value information has passed.[12] Furthermore, the Department generally will not accept business proprietary information in either the surrogate value submissions or the rebuttals thereto, as the regulation regarding the submission of surrogate values allows only for the submission of publicly available information.[13]

**Assessment Rates**

Upon issuing the final results of review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[14] If a respondent's weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and, where possible, the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Specifically, the Department will apply the assessment rate calculation method adopted in *Final Modification for Reviews, i.e.,* on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.[15] Where an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[16]

The Department announced a refinement to its assessment practice in NME cases.[17] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Xinghe County Muzi Carbon Co., Ltd., and the five companies comprising the Fangda Group will be the rate established in the final results of this administrative review (except, if the rate is zero or *de minimis,* then no cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: March 18, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix I

**List of Topics Discussed in the Preliminary Decision Memorandum**

1. Scope of the Order
2. Use of Adverse Facts Available
3. Non-Market Economy Country Status
4. Separate Rates
5. Rate for Non-Selected Companies
6. PRC-Wide Entity
7. Surrogate Country
8. Date of Sale
9. Fair-Value Comparison
10. Export Price
11. Normal Value
12. Factor Valuations
13. Use of Facts Available for Certain Factors of Production

[10] *See* 19 CFR 351.310(c).

[11] This administrative review was initiated on March 29, 2013, prior to the effective date of May 10, 2013, set forth in *Definition of Factual Information and Time Limits for Submission of Factual Information,* 78 FR 21246 (April 10, 2013), establishing the new time limits for the submission of factual information to value factors of production.

[12] *See, e.g., Glycine From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part,* 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

[13] *See* 19 CFR 351.301(c)(3).

[14] *See* 19 CFR 351.212(b)(1).

[15] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

[16] *See* 19 CFR 351.106(c)(2).

[17] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

14. Currency Conversion

## Appendix II

Firms for which we are rescinding this administrative review because we received timely withdrawal requests and these companies have a separate rate from a prior segment.

1. Brilliant Charter Limited
2. Dalian Thrive Metallurgy Imp. & Exp. Co., Ltd.
3. GES (China) Co., Ltd.
4. Heilongjiang Xinyuan Carbon Products Co., Ltd.
5. Jiaozuo Zhongzhou Carbon Products Co., Ltd.
6. Linghai Hongfeng Carbon Products Co., Ltd.
7. Nantong Falter New Energy Co., Ltd.
8. Nantong River-East Carbon Co., Ltd.
9. Nantong River-East Carbon Joint Stock Co., Ltd.
10. Nantong Yangtze Carbon Corp. Ltd.
11. Qingdao Haosheng Metals Imp. & Exp. Co., Ltd.
12. Shanghai GC Co., Ltd.
13. Shanghai Jinneng International Trade Co., Ltd.
14. Shenyang Jinli Metals & Minerals Imp. & Exp. Co., Ltd.
15. Tianzhen Jintian Graphite Electrodes Co., Ltd.
16. Xinghe Xinyuan Carbon Products Co., Ltd.
17. Xuzhou Jianglong Carbon Manufacture Co., Ltd.

## Appendix III

Firms for which we are not rescinding the review even though we received timely withdrawal requests because these companies are part of the PRC entity as they did not have a separate rate from a prior segment.

1. 5-Continent Imp. & Exp. Co., Ltd.
2. Acclcarbon Co., Ltd.
3. Allied Carbon (China) Co., Limited
4. Anssen Metallurgy Group Co., Ltd.
5. AMGL
6. Apex Maritime (Dalian) Co., Ltd.
7. Asahi Fine Carbon (Dalian) Co., Ltd.
8. Beijing Kang Jie Kong Cargo Agent Expeditors (Tianjin Branch)
9. Beijing Xinchengze Inc.
10. Beijing Xincheng Sci-Tech. Development Inc.
11. Carbon International
12. Chang Cheng Chang Electrode Co., Ltd.
13. Chengdelh Carbonaceous Elements Factory
14. Chengdu Jia Tang Corp.
15. China Industrial Mineral & Metals Group
16. China Shaanxi Richbond Imp. & Exp. Industrial Corp. Ltd.
17. China Xingyong Carbon Co., Ltd.
18. CIMM Group Co., Ltd.
19. Dalian Carbon & Graphite Corporation
20. Dalian Hongrui Carbon Co., Ltd.
21. Dalian Honest International Trade Co., Ltd.
22. Dalian Horton International Trading Co., Ltd.
23. Dalian LST Metallurgy Co., Ltd.
24. Dalian Oracle Carbon Co., Ltd.
25. Dalian Shuangji Co., Ltd.
26. Datong Carbon
27. Datong Carbon Plant
28. Datong Xincheng Carbon Co., Ltd.
29. Dechang Shida Carbon Co., Ltd.
30. De Well Container Shipping Corp.
31. Dewell Group
32. Dignity Success Investment Trading Co., Ltd.
33. Double Dragon Metals and Mineral Tools Co., Ltd.
34. Foset Co., Ltd.
35. Fushun Orient Carbon Co., Ltd.
36. Grameter Shipping Co., Ltd. (Qingdao Branch)
37. Guangdong Highsun Yongye (Group) Co., Ltd.
38. Guanghan Shida Carbon Co., Ltd.
39. Haimen Shuguang Carbon Industry Co., Ltd.
40. Handan Hanbo Material Co., Ltd.
41. Hanhong Precision Machinery Co., Ltd.
42. Hebei Long Great Wall Electrode Co., Ltd.
43. Heilongjiang Xinyuan Metacarbon Company Ltd.
44. Henan Sanli Carbon Products Co., Ltd.
45. Hopes (Beijing) International Co., Ltd.
46. Huanan Carbon Factory
47. Hunan Mec Machinery and Electronics Imp. & Exp. Corp.
48. Hunan Yinguang Carbon Factory Co., Ltd.
49. Inner Mongolia QingShan Special Graphite and Carbon Co., Ltd.
50. Inner Mongolia Xinghe County Hongyuan Electrical Carbon Factory
51. Jiang Long Carbon
52. Jiangsu Yafei Carbon Co., Ltd.
53. Jichun International Trade Co., Ltd. of Jilin Province
54. Jiexiu Juyuan Carbon Co., Ltd.
55. Jiexiu Ju-Yuan & Coaly Co., Ltd.
56. Jilin Songjiang Carbon Co., Ltd.
57. Jinneng Group Co., Ltd.
58. Jinyu Thermo-Electric Material Co., Ltd.
59. JL Group
60. Kaifeng Carbon Company Ltd.
61. KASY Logistics (Tianjin) Co., Ltd.
62. Kimwan New Carbon Technology and Development Co., Ltd.
63. Kingstone Industrial Group Ltd.
64. L & T Group Co., Ltd.
65. Laishui Long Great Wall Electrode Co., Ltd.
66. Lanzhou Ruixin Industrial Material Co., Ltd.
67. LH Carbon Factory of Chengde
68. Lianxing Carbon Qinghai Co., Ltd.
69. Lianxing Carbon Science Institute
70. Lianxing Carbon (Shandong) Co., Ltd.
71. Lianyungang Jinli Carbon Co., Ltd.
72. Lianyungang Jianglida Mineral Co., Ltd.
73. Liaoyang Carbon Co., Ltd.
74. Linyi County Lubei Carbon Co., Ltd.
75. Maoming Yongye (Group ) Co., Ltd.
76. MBI Beijing International Trade Co., Ltd.
77. Nantong Dongjin New Energy Co., Ltd.
78. Oracle Carbon Co., Ltd.
79. Orient (Dalian) Carbon Resources Developing Co., Ltd.
80. Orient Star Transport International, Ltd.
81. Peixian Longxiang Foreign Trade Co., Ltd.
82. Pingdingshan Coal Group
83. Pudong Trans USA, Inc. (Dalian Office)
84. Qingdao Grand Graphite Products Co., Ltd.
85. Quingdao Haosheng Metals & Minerals Imp. & Exp. Co., Ltd.
86. Qingdao Liyikun Carbon Development Co., Ltd.
87. Qingdao Likun Graphite Co., Ltd.
88. Qingdao Ruizhen Carbon Co., Ltd.
89. Ray Group Ltd.
90. Rex International Forwarding Co., Ltd.
91. Rt Carbon Co., Ltd.
92. Ruitong Carbon Co., Ltd.
93. Sea Trade International, Inc.
94. Seamaster Global Forwarding (China)
95. Shandong Basan Carbon Plant
96. Shandong Zibo Continent Carbon Factory
97. Shanghai Carbon International Trade Co., Ltd.
98. Shanghai P.W. International Ltd.
99. Shanghai Shen-Tech Graphite Material Co., Ltd.
100. Shanghai Topstate International Trading Co., Ltd.
101. Shanxi Datong Energy Development Co., Ltd.
102. Shanxi Foset Carbon Co., Ltd.
103. Shanxi Jiexiu Import and Export Co., Ltd.
104. Shanxi Jinneng Group Co., Ltd.
105. Shanxi Yunheng Graphite Electrode Co., Ltd.
106. Shida Carbon Group
107. Shijaizhuang Carbon Co., Ltd.
108. Shijiazhuang Huanan Carbon Factory
109. Sichuan 5-Continent Imp & Exp Co., Ltd.
110. Sichuan Dechang Shida Carbon Co., Ltd.
111. Sichuan Guanghan Shida Carbon Co., Ltd.
112. Sichuan Shida Carbon Co., Ltd.
113. Sichuan Shida Trading Co., Ltd.
114. Sichuan GMT International Inc.
115. Sinicway International Logistics Ltd.
116. SK Carbon
117. SMMC Group Co., Ltd.
118. Sure Mega (Hong Kong) Ltd.
119. Tangshan Kimwan Special Carbon & Graphite Co., Ltd.
120. Tengchong Carbon Co., Ltd.
121. T.H.I. Group (Shanghai), Ltd.
122. T.H.I. Global Holdings Corp.
123. Tianjin (Teda) Iron & Steel Trade Co., Ltd.
124. Tianjin Kimwan Carbon Technology and Development Co., Ltd.
125. Tianjin Yue Yang Industrial & Trading Co., Ltd.
126. Tielong (Chengdu) Carbon Co., Ltd.
127. United Carbon Ltd.
128. United Trade Resources, Inc.
129. Weifang Lianxing Carbon Co., Ltd.
130. World Trade Metals & Minerals Co., Ltd.
131. XC Carbon Group
132. Xinghe Xingyong Carbon Co., Ltd.
133. Xinyuan Carbon Co., Ltd.
134. Xuanhua Hongli Refractory and Mineral Company
135. Xuchang Minmetals & Industry Co., Ltd.
136. Xuzhou Carbon Co., Ltd.
137. Xuzhou Electrode Factory
138. Xuzhou Lianglong Carbon Manufacture Co., Ltd.
139. Yangzhou Qionghua Carbon Trading Ltd.
140. Yixing Huaxin Imp & Exp Co., Ltd.
141. Youth Industry Co., Ltd.
142. Zhengzhou Jinyu Thermo-Electric Material Co., Ltd.
143. Zibo Continent Carbon Factory
144. Zibo DuoCheng Trading Co., Ltd.
145. Zibo Lianxing Carbon Co., Ltd.

146. Zibo Wuzhou Tanshun Carbon Co., Ltd.

Companies that are now part of the PRC entity because they did not demonstrate in this review that they are entitled to a separate rate.

1. Fushun Jinly Petrochemical Carbon Co., Ltd.
2. Fangda Lanzhou Carbon Joint Stock Company Co., Ltd.
3. Jilin Carbon Graphite Material Co., Ltd.
4. Lanzhou Carbon Co., Ltd.
5. Lanzhou Carbon Import & Export Corp.
6. Lanzhou Hailong New Material Co.
7. Lanzhou Hailong Technology
8. Liaoning Fangda Group Industrial Co., Ltd.
9. Sinosteel Anhui Co., Ltd.
10. Sinosteel Corp.
11. Sinosteel Jilin Carbon Plant
12. Sinosteel Jilin Carbon Imp. & Exp. Co., Ltd.
13. Sinosteel Sichuan Co., Ltd.

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**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–351–825]**

### Stainless Steel Bar From Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Brazil. The period of review (POR) is February 1, 2012, through January 31, 2013. The review covers one producer/exporter of the subject merchandise, Villares Metals S.A. (Villares). We preliminarily find that subject merchandise has not been sold at less than normal value.[1] Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Sandra Dreisonstok or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0768, and (202) 482–1690, respectively.

**SUPPLEMENTARY INFORMATION:**

### Scope of the Order

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes.[2] The written description is dispositive.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

### Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

### Preliminary Results of Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for Villares for the period February 1, 2012, through January 31, 2013.

### Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[3] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[4]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* 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. Eastern Standard Time within 30 days after the date of publication of this notice.[5] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

Upon completion of the administrative review, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If Villares' weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). If Villares' weighted-average dumping margin continues to be zero or *de minimis* in the final results

[1] The deadline for the preliminary results of this review was March 17, 2014. Due to the closure of the Federal Government in Washington, DC on March 17, 2014, the Department reached this determination on the next business day (*i.e.,* March 18, 2014). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[2] A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Brazil'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

[3] *See* 19 CFR 351.309(d).

[4] *See* 19 CFR 351.303 (for general filing requirements).

[5] *See* 19 CFR 351.310(c).

of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'' [6]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by Villares for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

**Cash Deposit Requirements**

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of SSB from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Villares will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.43 percent, the all-others rate established in the *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Brazil,* 59 FR 66914 (December 28, 1994). These cash deposit requirements, when imposed, shall remain in effect until further notice.

[6] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 80102 (February 14, 2012).

**Notification to Importers**

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 18, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix

**List of Topics Discussed in the Preliminary Decision Memorandum**

A. Summary
B. Background
C. Scope of the Order
D. Discussion of the Methodology
1. Comparisons to Normal Value
   a. Determination of Comparison Method
   b. Results of Differential Pricing Analysis
   c. Sales Outside the Ordinary Course of Trade
   d. Costs of Production for Certain Control Numbers
2. Product Comparisons
3. Date of Sale
4. Constructed Export Price
5. Normal Value
   a. Home Market Viability as Comparison Market
   b. Level of Trade
   c. Cost of Production
   (1) Calculation of Cost of Production
   (2) Results of COP Test
   d. Calculation of Normal Value Based on Comparison Market Prices
E. Currency Conversion
F. Recommendation

[FR Doc. 2014–06392 Filed 3–21–14; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–893]**

### Certain Frozen Warmwater Shrimp From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (''Department'') is conducting an administrative review of the antidumping duty order on certain frozen warmwater shrimp (''shrimp'') From the People's Republic of China (''PRC''), covering the period of review (''POR'') from February 1, 2012, through January 31, 2013. As discussed below, the Department preliminarily determines that Zhanjiang Newpro Foods Co., Ltd. (''Newpro''), and Hilltop International (''Hilltop'') failed to cooperate to the best of their ability in this review. Accordingly, the Department is finding Newpro and Hilltop are part of the PRC-wide entity to which we are applying adverse facts available (''AFA''), as discussed below. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Kabir Archuletta, AD/CVD Operations, Office V, 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:**

**Scope of the Order**

The merchandise subject to the order is certain frozen warmwater shrimp.[1] The product is currently classified under the following Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.

**Tolling of Deadlines for Preliminary Determination**

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from

[1] *See* the Decision Memorandum for Preliminary Results for the Antidumping Duty Administrative Review of Warmwater Shrimp From the People's Republic of China,'' (''Preliminary Decision Memorandum'') from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with these results, for a complete description of the Scope of the Order.

October 1, through October 16, 2013.[2] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. The revised deadline for the preliminary results of this review is now March 18, 2014.[3]

## Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (''the Act''). Because Hilltop was unresponsive to the Department's requests for information, failed to provide the requested information by the deadline, and failed to establish its eligibility for a separate rate, it is being treated as part of the PRC-wide entity. Further, Newpro notified the Department that it would no longer respond to any outstanding/additional questionnaires or participate in a verification.[4] As such, it withheld information requested by the Department, failed to provide information by the deadlines, impeded the proceeding, and provided information that cannot verified. Accordingly, Newpro failed to establish its eligibility for a separate rate and is being treated as part of the PRC-wide entity. As a result, the PRC-wide entity is now under review. In making our preliminary determination with respect to the PRC-wide entity, we relied on facts available and, because elements of the PRC-wide entity, Hilltop and Newpro, failed to act to the best of their ability in complying with the Department's request for information, we drew an adverse inference in selecting from among the facts otherwise available.[5]

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

## Preliminary Results of Review

The Department preliminarily determines that the following dumping margin exists for the period February 1, 2012, through January 31, 2013:

| Exporter | Margin |
|---|---|
| PRC-Wide Entity (including Hilltop International and Zhanjiang Newpro Foods Co., Ltd.).[6] | 112.81 percent. |

## Public Comment

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.[7] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Case and rebuttal briefs should be filed using IA ACCESS.[10]

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via IA ACCESS.[11] An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[12] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Unless extended, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

## Assessment Rates

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication of the final results of this review. Where assessments are based upon total facts available, including total adverse facts available, we instruct CBP to assess duties at the adverse facts available margin rate. If these preliminary results are unchanged in the final results, then the Department intends to instruct CBP to assess antidumping duties on POR entries of the subject merchandise produced or exported by the PRC-wide entity (including Hilltop and Newpro) at the rate of 112.81 percent of the entered value.[13] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable. The Department recently announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported by companies examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that

[2] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013).

[3] The deadline for the preliminary results of this review was March 17, 2014. Due to the closure of the Federal Government in Washington, DC on March 17, 2014, the Department reached this determination on the next business day (*i.e.,* March 18, 2014). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[4] *See* Letter to the Secretary of Commerce from Newpro ''Withdrawal From Review'' (February 7, 2014).

[5] *See* sections 776(a) and (b) of the Act.

[6] The Department preliminarily determines that 89 PRC exporters, including Hilltop and Newpro, have not demonstrated their eligibility for separate rate status. *See* Appendix I and Preliminary Decision Memorandum, at 5–6.

[7] *See* 19 CFR 351.309(c).

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] *See* 19 CFR 351.303.

[11] *See* 19 CFR 351.310(c).

[12] *See* 19 CFR 351.310(c).

[13] *See* 19 CFR 351.212(b)(1). The Department preliminarily determines that an importer-specific adjustment of the assessment rate for certain entries on shipments made by Newpro (which we preliminarily determine to be part of the PRC-wide entity) is warranted given the facts uncovered in this review. For a full description of this issue and the resultant adjustment, *see* the Preliminary Decision Memorandum and the Memorandum to the File from Kabir Archuletta, Senior International Trade Analyst, Office V, through Catherine Bertrand, Program Manager, Office V ''Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Business Proprietary Memo for the Preliminary Results,'' dated concurrently with this notice.

exporter's rate) will be liquidated at the NME-wide rate.[14]

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all PRC exporters (including Hilltop and Newpro) of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: March 18, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix I

The PRC-wide entity includes the 89 companies currently under review that have not established their entitlement to a separate rate. Those 89 companies are:

1. Allied Pacific Aquatic Products Zhanjiang Co., Ltd.
2. Allied Pacific Food (Dalian) Co., Ltd.
3. Aqua Foods (Qingdao) Co., Ltd.
4. Asian Seafoods (Zhanjiang) Co., Ltd.
5. Beihai Boston Frozen Food Co., Ltd.
6. Beihai Evergreen Aquatic Product Science and Technology Co., Ltd.
7. Beihai Wanjing Marine Products Co., Ltd.
8. Dalian Hualian Foods Co., Ltd.
9. Dalian Shanhai Seafood Co., Ltd.
10. Dalian Taiyang Aquatic Products Co., Ltd.
11. Dalian Z&H Seafood Co., Ltd.
12. Eimskip Logistics (Qingdao) Co., Ltd.
13. Eimskip Logistics Inc.
14. EZ Logistics Inc.
15. EZ Logistics LLC
16. Fujian Chaohui International Trading
17. Fujian Dongshan County Shunfa Aquatic Product Co., Ltd.
18. Fujian Rongjiang Import and Export Co., Ltd.
19. Fuqing Minhua Trade Co., Ltd.
20. Fuqing Yihua Aquatic Food Co., Ltd.
21. Fuqing Yiyuan Trading Co., Ltd.
22. Guangdong Gourmet Aquatic Products Co., Ltd.
23. Guangdong Jinhang Foods Co., Ltd.
24. Guangdong Shunxin Sea Fishery Co., Ltd.
25. Guangdong Wanshida Holding Corp.
26. Guangdong Wanya Foods Fty. Co., Ltd.
27. Hai Li Aquatic Co., Ltd.
28. Hainan Brich Aquatic Products Co., Ltd.
29. Hainan Golden Spring Foods Co., Ltd.
30. Hainan Hailisheng Food Co., Ltd.
31. Hainan Xiangtai Fishery Co., Ltd.
32. Haizhou Aquatic Products Co., Ltd.
33. Hangzhou Tianhai Aquatic Products Co., Ltd.
34. Hilltop International
35. Hua Yang (Dalian) International Transportation Service Co.
36. Leizhou Beibuwan Sea Products Co., Ltd.
37. Longhai Gelin Seafoods Co., Ltd.
38. Longheng (Fuqing) Imp. & Exp. Co., Ltd.
39. Longsheng Aquatic Co., Ltd.
40. Maoming Xinzhou Seafood Co., Ltd.
41. Olanya (Germany) Ltd.
42. Qingdao Yuanqiang Foods Co., Ltd.
43. Rizhao Smart Foods Company Limited
44. Rizhao Xinghe Foodstuff Co., Ltd.
45. Rui'an Huasheng Aquatic Products Co., Ltd.
46. Savvy Seafood Inc.
47. Shandong Meijia Group Co., Ltd.
48. Shanghai Linghai Fisheries Trading Co., Ltd.
49. Shanghai Lingpu Aquatic Products Co., Ltd.
50. Shanghai Smiling Food Co., Ltd.
51. Shanghai Zhoulian Foods Co., Ltd.
52. Shantou Haiyou Aquatic Product Foodstuff Co., Ltd.
53. Shantou Jiazhou Foods Industry Co., Ltd.
54. Shantou Jin Cheng Food Co., Ltd.
55. Shantou Jintai Aquatic Product Industrial Co., Ltd.
56. Shantou Longsheng Aquatic Product Foodstuff Co., Ltd.
57. Shantou Ruiyuan Industry Company Ltd.
58. Shantou Wanya Foods Fty. Co., Ltd.
59. Shantou Yuexing Enterprises Co.
60. Shenzen Allied Aquatic Produce Development Ltd.
61. Shenzhen Yudayuan Trade Ltd.
62. Thai Royal Frozen Food Zhanjiang Co., Ltd.
63. Xiamen Granda Import & Export Co., Ltd.
64. Yancheng Hi-king Agriculture Developing Co., Ltd.
65. Yanfeng Aquatic Product Foodstuff
66. Yangjiang Anyang Food Co., Ltd.
67. Yangjiang Wanshida Seafood Co., Ltd.
68. Yelin Enterprise Co., Ltd.
69. Zhangzhou Xinwanya Aquatic Product Co., Ltd.
70. Zhangzhou Yanfeng Aquatic Product
71. Zhanjiang Bo Bo Go Ocean Co., Ltd.
72. Zhanjiang Evergreen Aquatic Product Science and Technology Co., Ltd.
73. Zhanjiang Fuchang Aquatic Products Co., Ltd.
74. Zhanjiang Go Harvest Aquatic Products Co., Ltd.
75. Zhanjiang Haizhou Aquatic Product Co., Ltd.
76. Zhanjiang Hengrun Aquatic Co., Ltd.
77. Zhanjiang Jinguo Marine Foods Co., Ltd.
78. Zhanjiang Join Wealth Aquatic Products Co., Ltd.
79. Zhanjiang Longwei Aquatic Products Industry Co., Ltd.
80. Zhanjiang Newpro Food Co., Ltd.
81. Zhanjiang Rainbow Aquatic Development
82. Zhanjiang Universal Seafood Corp.
83. Zhejiang Daishan Baofa Aquatic Products Co., Ltd.
84. Zhejiang Evernew Seafood Co., Ltd.
85. Zhejiang Xinwang Foodstuffs Co., Ltd.
86. Zhejiang Zhoufu Food Co., Ltd.
87. Zhoushan Corporation
88. Zhoushan Genho Food Co., Ltd.
89. Zhoushan Haiwang Seafood Co., Ltd.

## Appendix II

**List of Topics Discussed in the Preliminary Decision Memorandum**

1. Background
2. Scope of the Order
3. Non-Market Economy (''NME'') Country Status
4. Separate Rates
5. PRC-Wide Entity
6. Use of Facts Available and Adverse Facts Available
7. Application of Total Adverse Facts Available to the PRC-Wide Entity
8. Selection of Adverse Facts Available Rate
9. Corroboration of Secondary Information
10. Preliminary Determination of No Shipments
11. Adjustment of Assessment Rate for Certain Shipments by Newpro
12. Conclusion

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[14] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

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## DEPARTMENT OF COMMERCE

## International Trade Administration

**[A–549–822]**

## Certain Frozen Warmwater Shrimp From Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Department) is conducting an administrative review of the antidumping duty order on certain frozen warmwater shrimp (shrimp) from Thailand.[1] The review covers 159[2] producers/exporters of the subject merchandise. The period of review (POR) is February 1, 2012, through January 31, 2013.

The Department is examining the following exporters/producers on an individual basis: Thai Union Frozen Products Public Co., Ltd. and Thai Union Seafood Co., Ltd. (collectively, Thai Union) for the period February 1, 2012, through April 22, 2012; the Pakfood Group[3] for the period February 1, 2012, through April 22, 2012; and Thai Union/Pakfood for the period April 23, 2012 through January 31, 2013.[4] We preliminarily determined that sales to the United States have been made below normal value (NV) and, therefore, are subject to antidumping duties. We also are rescinding this review with respect to Marine Gold Products Limited (Marine Gold) because the order with respect to shrimp produced and exported by this company was revoked effective February 1, 2012.

If these preliminary results are adopted in the final results of this review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Dennis McClure, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5973.

**SUPPLEMENTARY INFORMATION:**

## Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp.[5] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.

## Partial Rescission of Review

On July 16, 2013, the Department published its final results for the February 1, 2011, through January 31, 2012, administrative review of the antidumping duty order on shrimp from Thailand.[6] In that review, we found that Marine Gold met the requirements of revocation as described in 19 CFR 351.222(b)[7] and, thus, we revoked the antidumping duty order on shrimp from Thailand (Shrimp Order) with respect to subject merchandise produced and exported by Marine Gold. As a result of Marine Gold's revocation in the 2011–2012 administrative review, we are rescinding this administrative review with respect to Marine Gold because the merchandise produced and sold by Marine Gold is not subject to the Shrimp Order as of February 1, 2012.

Because we revoked the Shrimp Order with respect to subject merchandise produced and exported by Marine Gold, we instructed CBP that entries of such merchandise that were suspended on or after February 1, 2012, should be liquidated without regard to antidumping duties.

In addition, in the Shrimp AR7 Final Results, the Department determined that one non-selected respondent, Tanaya International Co., Ltd. (Tanaya) is nether an exporter nor a manufacturer of subject merchandise, as defined in 19 CFR 351.213(b), and, accordingly, we rescinded the review with respect to this entity. Consistent with our finding in the AR7 Final Results, and because Tanaya is not an interested party in this proceeding, we find our initiation with respect to Tanaya was improper, and we are rescinding this review with respect to this company.

## Preliminary Determination of No Shipments

Among the companies under review, 13 companies properly filed statements reporting that they made no shipments of subject merchandise to the United States during the POR.[8] Based on the certifications submitted by all 13 of these companies and our analysis of CBP information, we preliminarily determine that the following 13 companies did not have any reviewable transactions during the POR:

(1) Anglo-Siam Seafoods Co., Ltd.;
(2) Daedong (Thailand) Co., Ltd.;
(3) Grobest Frozen Foods Co., Ltd.;
(4) GSE Lining Technology Co., Ltd.;
(5) Leo Global Logistics Co., Ltd;
(6) Leo Transports;
(7) Lucky Union Foods Co., Ltd.;
(8) Namprick Maesri Ltd. Part.;
(9) S.K. Foods (Thailand) Public Co. Limited;
(10) Shing-Fu Seaproducts Development Co., Ltd.;
(11) Surapon Nichirei Foods Co., Ltd.;
(12) Thai Union Manufacturing ; and
(13) V. Thai Food Product Co., Ltd.

In addition, the Department finds that it is not appropriate to preliminarily rescind the review with respect to these companies but, rather, to complete the review with respect to these companies and issue appropriate instructions to CBP based on the final results of this review.[9]

Finally, the Department received an improperly-filed no shipment certification from another Thai company involved in this review, CP Retailing and Marketing Co., Ltd., as well as an

[1] The deadline for the preliminary results of this review was March 17, 2014. Due to the closure of the Federal Government in Washington, DC on March 17, 2014, the Department reached this determination on the next business day (*i.e.,* March 18, 2014). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[2] This figure does not include two companies for which the Department is rescinding the administrative review.

[3] The Pakfood Group includes the following companies: Pakfood Public Company Limited, Okeanos Co., Ltd., Okeanos Food Co., Ltd., Asia Pacific (Thailand) Co., Ltd., Chaophraya Cold Storage Co., Ltd., and Takzin Samut Co., Ltd. (collectively, Pakfood).

[4] In this review, the Department determined to treat the Pakfood Group as a collapsed entity with Thai Union, effective as of April 23, 2012. *See* the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, entitled, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from Thailand,'' dated concurrently with these results (Preliminary Decision Memorandum), which is hereby adopted by this notice.

[5] For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.

[6] *See Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Revocation of Order (in Part); 2011–2012,* 78 FR 42497, 42499 (July 16, 2013) (*Shrimp AR7 Final Results*).

[7] The Department modified the section of its regulations concerning the revocation of antidumping and countervailing duty orders in whole or in part, but that modification did not apply to the February 1, 2011, through January 31, 2012, administrative review. *See Modification to Regulation Concerning the Revocation of Antidumping and Countervailing Duty Orders,* 77 FR 29875 (May 21, 2012). The reference to 19 CFR 351.222(b) refers to the Department's regulations prior to the modification. The modification applies to the instant administrative review.

[8] For a full explanation of the Department's analysis, see the Preliminary Decision Memorandum.

[9] *See Certain Frozen Warmwater Shrimp From Thailand: Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke the Order (In Part); 2011–2012,* 78 FR 15686, 15687 (March 12, 2013), unchanged in *Shrimp AR7 Final Results,* 78 FR at 42498.

improperly-filed notification from an additional company, Thai Ocean Venture Co., Ltd., that it is not a producer/exporter. We find that there is insufficient evidence on the record of this review to conclude that these companies made no shipments of subject merchandise to the United States during the POR because they failed to remedy the procedural defeciencies in their submissions, in accordance with 19 CFR 351.303(g)(1), despite the Department's request that they do so, and thus their submissions were not accepted for the administrative record of this review. Therefore, we are continuing to include both CP Retailing and Marketing Co., Ltd. and Thai Ocean Venture Co., Ltd. in this administrative review, and we assigned these companies a preliminary dumping rate based on the margin calculated for Thai Union/Pakfood pursuant to section 735(c)(5)(A) of the Act.

**Methodology**

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

**Preliminary Results of the Review**

As a result of this review, we preliminarily determine that weighted-average dumping margins exist for the respondents for the period February 1, 2012, through January 31, 2013, as follows:

| Manufacturer/exporter | Percent margin |
|---|---|
| Thai Union Frozen Products Public Co., Ltd./Thai Union Seafood Co., Ltd./Pakfood Public Company Limited/Okeanos Food Co., Ltd.,/Asia Pacific (Thailand) Co., Ltd.,/Chaophraya Cold Storage Co., Ltd./Takzin Samut Co., Ltd | [10] 1.10 |

Review-Specific Average Rate Applicable to the Following Non-Selected Companies:

| Manufacturer/exporter | Percent margin |
|---|---|
| A Foods 1991 Co., Limited | 1.10 |
| A. Wattanachai Frozen Products Co., Ltd | 1.10 |
| A.S. Intermarine Foods Co., Ltd | 1.10 |
| ACU Transport Co., Ltd | 1.10 |
| Anglo-Siam Seafoods Co., Ltd | * |
| Apex Maritime (Thailand) Co., Ltd | 1.10 |
| Apitoon Enterprise Industry Co., Ltd | 1.10 |
| Applied DB | 1.10 |
| Asian Seafood Coldstorage (Sriracha) | 1.10 |
| Asian Seafoods Coldstorage Public Co., Ltd./Asian Seafoods Coldstorage (Suratthani) Co./STC Foodpak Ltd | 1.10 |
| Assoc. Commercial Systems | 1.10 |
| B.S.A. Food Products Co., Ltd | 1.10 |
| Bangkok Dehydrated Marine Product Co., Ltd | 1.10 |
| C Y Frozen Food Co., Ltd | 1.10 |
| CP Retailing and Marketing Co., Ltd | 1.10 |
| C.P. Intertrade Co. Ltd | 1.10 |
| Calsonic Kansei (Thailand) Co., Ltd | 1.10 |
| Century Industries Co., Ltd | 1.10 |
| Chaivaree Marine Products Co., Ltd | 1.10 |
| Chaiwarut Co., Ltd | 1.10 |
| Charoen Pokphand Foods Public Co., Ltd | 1.10 |
| Chonburi LC | 1.10 |
| Chue Eie Mong Eak Ltd. Part | 1.10 |
| Commonwealth Trading Co., Ltd | 1.10 |
| Core Seafood Processing Co., Ltd | 1.10 |
| CP Merchandising Co., Ltd[3] | 1.10 |
| C.P. Mdse | 1.10 |
| Crystal Frozen Foods Co., Ltd. and/or Crystal Seafood | 1.10 |
| Daedong (Thailand) Co. Ltd | * |
| Daiei Taigen (Thailand) Co., Ltd | 1.10 |
| Daiho (Thailand) Co., Ltd | 1.10 |
| Dynamic Intertransport Co., Ltd | 1.10 |
| Earth Food Manufacturing Co., Ltd | 1.10 |
| F.A.I.T. Corporation Limited | 1.10 |
| Far East Cold Storage Co., Ltd | 1.10 |
| Findus (Thailand) Ltd | 1.10 |
| Fortune Frozen Foods (Thailand) Co., Ltd | 1.10 |
| Frozen Marine Products Co., Ltd | 1.10 |
| Gallant Ocean (Thailand) Co., Ltd | 1.10 |
| Gallant Seafoods Corporation | 1.10 |
| Global Frozen Food (Thailand) Co | 1.10 |
| Global Maharaja Co., Ltd | 1.10 |
| Golden Sea Frozen Foods Co., Ltd | 1.10 |
| Golden Seafood International Co., Ltd | 1.10 |
| Golden Thai Imp. & Exp. Co., Ltd | 1.10 |
| Good Fortune Cold Storage Co. Ltd | 1.10 |
| Good Luck Product Co., Ltd | 1.10 |
| Grobest Frozen Foods Co., Ltd | * |
| GSE Lining Technology Co., Ltd | * |
| Gulf Coast Crab Intl | 1.10 |
| H.A.M. International Co., Ltd | 1.10 |
| Haitai Seafood Co., Ltd | 1.10 |
| Handy International (Thailand) Co., Ltd | 1.10 |
| Heng Seafood Limited Partnership | 1.10 |
| Heritrade Co., Ltd | 1.10 |
| HIC (Thailand) Co., Ltd | 1.10 |
| High Way International Co., Ltd | 1.10 |
| I.T. Foods Industries Co., Ltd | 1.10 |
| Inter-Oceanic Resources Co., Ltd | 1.10 |
| Inter-Pacific Marine Products Co., Ltd | 1.10 |
| K & U Enterprise Co., Ltd | 1.10 |
| K Fresh | 1.10 |
| K. D. Trading Co., Ltd | 1.10 |
| K.L. Cold Storage Co., Ltd | 1.10 |
| KF Foods Limited | 1.10 |
| Kiang Huat Sea Gull Trading Frozen Food Public Co., Ltd | 1.10 |
| Kibun Trdg | 1.10 |
| Kingfisher Holdings Ltd | 1.10 |
| Kitchens of the Oceans (Thailand) Company, Ltd | 1.10 |
| Klang Co., Ltd | 1.10 |
| Kongphop Frozen Foods Co., Ltd | 1.10 |
| Kosamut Frozen Foods Co., Ltd./The Siam Union Frozen Foods Co., Ltd | 1.10 |
| Leo Global Logistics Co., Ltd | * |
| Lee Heng Seafood Co., Ltd | 1.10 |
| Leo Transports | * |
| Li-Thai Frozen Foods Co., Ltd | 1.10 |
| Lucky Union Foods Co., Ltd | * |
| Maersk Line | 1.10 |
| Magnate & Syndicate Co., Ltd | 1.10 |
| Mahachai Food Processing Co., Ltd | 1.10 |
| Merit Asia Foodstuff Co., Ltd | 1.10 |
| Merkur Co., Ltd | 1.10 |
| Ming Chao Ind Thailand | 1.10 |
| N&N Foods Co., Ltd | 1.10 |
| NR Instant Produce Co., Ltd | 1.10 |
| Namprik Maesri Ltd. Part | * |
| Narong Seafood Co., Ltd | 1.10 |
| Nha Trang Seaproducts Company ("Nha Trang") and/or Nha Trang Seaproduct Company ("NHA TRANG SEAFOODS") | 1.10 |
| Nongmon SMJ Products | 1.10 |

[10] This cash deposit rate is based on the combined sales of Thai Union and Pakfood after the companies were collapsed (*i.e.,* sales made during the period April 23, 2012, through January 31, 2013). The rates calculated for Thai Union and Pakfood for the period February 1, 2012, through April 22, 2012, are zero percent and 2.09 percent, respectively. The calculations for the period February 1, 2012, through April 22, 2012, will be used for assessment purposes only, as noted in the ''Collapsing of Thai Union and Pakfood'' section of the Preliminary Decision Memorandum.

| Manufacturer/exporter | Percent margin |
|---|---|
| Ongkorn Cold Storage Co., Ltd./Thai-Ger Marine Co., Ltd | 1.10 |
| Pacific Queen Co., Ltd | 1.10 |
| Penta Impex Co., Ltd | 1.10 |
| Pinwood Nineteen Ninety Nine | 1.10 |
| Piti Seafood Co., Ltd | 1.10 |
| Premier Frozen Products Co., Ltd | 1.10 |
| Preserved Food Specialty Co., Ltd | 1.10 |
| Queen Marine Food Co., Ltd | 1.10 |
| Rayong Coldstorage (1987) Co., Ltd | 1.10 |
| S&D Marine Products Co., Ltd | 1.10 |
| S&P Aquarium | 1.10 |
| S&P Syndicate Public Company Ltd | 1.10 |
| S. Chaivaree Cold Storage Co., Ltd | 1.10 |
| S. Khonkaen Food Industry Public Co., Ltd. and/or S. Khonkaen Food Ind. Public | 1.10 |
| S.K. Foods (Thailand) Public Co. Limited | * |
| Samui Foods Company Limited | 1.10 |
| SB Inter Food Co., Ltd | 1.10 |
| SCT Co., Ltd | 1.10 |
| Sea Bonanza Food Co., Ltd | 1.10 |
| SEA NT'L CO., LTD | 1.10 |
| Seafoods Enterprise Co., Ltd | 1.10 |
| Seafresh Fisheries/Seafresh Industry Public Co., Ltd | 1.10 |
| Search and Serve | 1.10 |
| Shianlin Bangkok Co., Ltd | 1.10 |
| Shing Fu Seaproducts Development Co | * |
| Siam Food Supply Co., Ltd | 1.10 |
| Siam Intersea Co., Ltd | 1.10 |
| Siam Marine Products Co. Ltd | 1.10 |
| Siam Ocean Frozen Foods Co. Ltd | 1.10 |
| Siamchai International Food Co., Ltd | 1.10 |
| Smile Heart Foods | 1.10 |
| SMP Products, Co., Ltd | 1.10 |
| Southport Seafood Co., Ltd | 1.10 |
| Stapimex | 1.10 |
| Star Frozen Foods Co., Ltd | 1.10 |
| Starfoods Industries Co., Ltd | 1.10 |
| Suntechthai Intertrading Co., Ltd | 1.10 |
| Surapon Foods Public Co., Ltd./Surat Seafoods Public Co., Ltd | 1.10 |
| Surapon Nichirei Foods Co., Ltd | * |
| Suratthani Marine Products Co., Ltd | 1.10 |
| Suree Interfoods Co., Ltd | 1.10 |
| T.S.F. Seafood Co., Ltd | 1.10 |
| Tep Kinsho Foods Co., Ltd | 1.10 |
| Teppitak Seafood Co., Ltd | 1.10 |
| Tey Seng Cold Storage Co., Ltd | 1.10 |
| Thai Agri Foods Public Co., Ltd | 1.10 |
| Thai Mahachai Seafood Products Co., Ltd | 1.10 |
| Thai Ocean Venture Co., Ltd | 1.10 |
| Thai Patana Frozen | 1.10 |
| Thai Prawn Culture Center Co., Ltd | 1.10 |
| Thai Royal Frozen Food Co., Ltd | 1.10 |
| Thai Spring Fish Co., Ltd | 1.10 |
| Thai Union Manufacturing Company Limited | * |
| Thai World Imports and Exports Co., Ltd | 1.10 |
| Thai Yoo Ltd., Part | 1.10 |
| The Siam Union Frozen Foods Co., Ltd | 1.10 |
| The Union Frozen Products Co., Ltd./Bright Sea Co., Ltd | 1.10 |
| Trang Seafood Products Public Co., Ltd | 1.10 |
| Transamut Food Co., Ltd | 1.10 |
| Tung Lieng Tradg | 1.10 |
| United Cold Storage Co., Ltd | 1.10 |
| UTXI Aquatic Products Processing Company | 1.10 |
| V. Thai Food Product Co., Ltd | * |
| Xian-Ning Seafood Co., Ltd | 1.10 |
| Yeenin Frozen Foods Co., Ltd | 1.10 |
| YHS Singapore Pte | 1.10 |
| ZAFCO TRDG | 1.10 |

*No shipments or sales subject to this review.

## Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[11] Interested parties may submit cases briefs not later than 30 days after the date of publication of this notice.[12] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the deadline for filing case briefs.[13] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14] Case and rebuttal briefs should be filed using the Department's electronic records system, IA ACCESS.[15]

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via IA ACCESS.[16] An electronically-filed document must be received successfully in its entirety by IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[17] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.[18] The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

## Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212(b)(1).

For entries of Thai Union/Pakfood's subject merchandise made from April 23, 2012, through January 31, 2013, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales. *See* 19 CFR 351.212(b)(1). With respect to entries of subject merchandise by Thai Union and Pakfood prior to April 23, 2013, we will calculate importer-specific *ad valorem* duty assessment rates using the individual company information based on the same method noted above.

For the companies which were not selected for individual review, we will calculate an assessment rate based on the weighted-average of the cash deposit rate calculated for Thai Union/Pakfood.

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[19]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by Thai Union/Pakfood for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(c)

[13] *See* 19 CFR 351.309(d).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See* 19 CFR 351.303.

[16] *See* 19 CFR 351.310(c)

[17] *See id.*

[18] *See id.*

[19] *See* section 751(a)(2)(C) of the Act.

discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

**Cash Deposit Requirements**

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.34 percent, the all-others rate made effective by the *Section 129 Determination.*[20] These deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 18, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix

**List of Topics Discussed in the Preliminary Decision Memorandum**

1. Summary
2. Background
3. Scope of the Order
4. Preliminary Determination of No Shipments
5. Rescission of Review, In Part
6. Collapsing of Thai Union and Pakfood
7. Discussion of the Methodology
a. Fair Value Comparison
b. Determination of Comparison Method
c. Product Comparisons
d. Export Price/Constructed Export Price
i. Pakfood
ii. Thai Union
iii. Thai Union/Pakfood
e. Normal Value
i. Home Market Viability
ii. Affiliated-Party Transactions and Arm's-Length Test
iii. Level of Trade
1. Pakfood
2. Thai Union
3. Thai Union/Pakfood
iv. Cost of Production Analysis
1. Calculation of Cost of Production
2. Test of Comparison Market Sales Prices
3. Results of the COP Test
v. Calculation of Normal Value Based on Comparison Market Prices
1. Pakfood
2. Thai Union
3. Thai Union/Pakfood
8. Currency Conversion
9. Recommendation

[FR Doc. 2014–06433 Filed 3–21–14; 8:45 am]

BILLING CODE 3510–DS–P

[20] *See Implementation of the Findings of the WTO Panel in United States Antidumping Measure on Shrimp from Thailand: Notice of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp From Thailand,* 74 FR 5638 (January 30, 2009) (*Section 129 Determination*).

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## DEPARTMENT OF COMMERCE

## International Trade Administration

**[A–427–818]**

## Low-Enriched Uranium From France; Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on low-enriched uranium (LEU) from France.[1] The period of review (POR) is February 1, 2012, through January 31, 2013. The review covers one producer or exporter of the subject merchandise, Eurodif S.A., AREVA NC, and AREVA NC, Inc. (collectively AREVA). The Department preliminarily determines that AREVA made no shipments of subject merchandise during the POR. We invite interested parties to comment on these preliminary results. The deadline for the preliminary results of this review was March 17, 2014. Due to the closure of the Federal Government in Washington, DC on March 17, 2014, the Department reached this determination on the next business day (*i.e.,* March 18, 2014). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

**DATES:** *Effective Date:* March 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The product covered by the order is all low-enriched uranium. Low-enriched uranium is enriched uranium hexafluoride ($UF_6$) with a $U^{235}$ product assay of less than 20 percent that has not been converted into another chemical form, such as $UO_2$, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including low-enriched uranium produced through the down-blending of highly enriched uranium).[2]

**Methodology**

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, see the

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 19197 (March 9, 2013).

[2] For a full description of the scope of the order, see ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Low-Enriched Uranium from France: 2012–2013'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

Preliminary Decision Memorandum. The Preliminary Decision Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and it is available to all parties in the Central Records Unit in Room 7046 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and electronic versions of the Preliminary Decision Memorandum are identical in content.

**Preliminary Determination of No Shipments**

AREVA timely filed a ''no shipment'' certification stating that they had no entries of subject merchandise during the POR. However, data that the Department obtained from U.S. Customs and Border Protection showed entries of LEU from AREVA during the POR. The Department issued two questionnaires to AREVA, and received timely responses. Based on the questionnaire responses filed by AREVA, we preliminarily determine that AREVA had no shipments of merchandise subject to the antidumping order on LEU from France during the POR. In addition, the Department finds that it is not appropriate to rescind the review with respect to AREVA but, rather, to complete the review and issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of this review, as is our current practice.[3]

**Preliminary Determination of Revised Entry Requirements**

During the course of this review, the Department identified irregularities associated with AREVA's filing of the required certifications for re-exportation.[4] In light of these problems, and to ensure proper enforcement of the order, the Department preliminarily determines that shipments of LEU from France by AREVA, where the importer claims the above-noted scope exclusion, shall be suspended as antidumping entries with a cash deposit requirement of zero percent *ad valorem.* These requirements will be effective as of the date of publication of the final results of this administrative review. We invite all interested parties to comment on this issue.

**Assessment Rates**

Since the Department preliminarily found that AREVA had no shipments during the POR, we did not calculate importer-specific assessment rates for these preliminary results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by companies included in the final results of review for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[5]

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

**Cash Deposit Requirements**

The following deposit requirements will be effective for all shipments of LEU from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for AREVA will remain unchanged from the rate assigned to the company in the most recently completed review of that company, except for entries excluded from the order under the re-export provision of the scope, which will require a cash deposit rate of zero percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.95 percent, the all-others rate established in the investigation.[6] These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Comments**

Interested parties are invited to comment on these preliminary results and submit written arguments or case briefs within 30 days after the date of publication of this notice, unless otherwise notified by the Department.[7] Parties are reminded that written comments or case briefs are not the place for submitting new factual material. Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later.[8] Parties that submit case or rebuttal briefs are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument. Parties are requested to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

Any interested party who wishes to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the day of publication of this notice. A request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.[9] Issues raised in the hearing will be limited to those raised in case briefs. The Department will issue the final results of administrative review, including the results of our analysis of issues raised in any briefs, within 90 days after the date on which the preliminary results were issued, unless the deadline for the final results is extended.[10]

**Notification to Importers**

This notice serves as a preliminary reminder to the importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

[3] *See, e.g., Certain Frozen Warmwater Shrimp From Thailand: Preliminary Results of Antidumping Duty Administrative Review and Intent To Revoke the Order (in Part); 2011–2012,* 78 FR 15686 (March 12, 2013) and the accompanying Decision Memorandum at 7–8.

[4] *See* Preliminary Decision Memorandum.

[5] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[6] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Low Enriched Uranium From France,* 67 FR 6680 (February 13, 2002).

[7] *See* 19 CFR 351.309(c)(ii).

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.213(h).

Dated: March 18, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2014–06388 Filed 3–21–14; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–821–820]**

### Ferrosilicon From the Russian Federation: Postponement of Final Antidumping Determination

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* March 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Irene Gorelik at (202) 482–6905, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** On March 11, 2014, the Department of Commerce (''the Department'') published its preliminary determination in the antidumping duty investigation on ferrosilicon from the Russian Federation.[1] The *Preliminary Determination* stated that the Department would issue its final determination not later than 75 days after the date of publication of the *Preliminary Determination* in the **Federal Register**, in accordance with section 735(a)(1) of the Tariff Act of 1930, as amended (''the Act''). The final determination is currently due not later than May 25, 2014.[2]

On March 7, 2014, CC Metals and Alloys, LLC and Globe Specialty Metals, Inc. (together, ''Petitioners''), requested postponement of the final determination pursuant to section 735(a)(2)(B) of the Act and 19 CFR 351.210(b)(2)(i).[3] Because the Department's preliminary determination in this investigation was negative and no compelling reason exists to deny the request, in accordance with section 735(a)(2)(B) of the Act, 19 CFR 351.210(b)(2)(i), and 19 CFR 351.210(e), the Department is granting the request and postponing the final determination until not later than 135 days after the publication of the *Preliminary Determination* in the **Federal Register**. The 60 day extension from the current deadline of May 25, 2014, results in a new deadline of July 24, 2014, for the final determination in this investigation.

This notice is issued and published pursuant to section 735(a)(2)(B) of the Act and 19 CFR 351.210(g).

Dated: March 18, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2014–06432 Filed 3–21–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Ferrosilicon from the Russian Federation: Preliminary Determination of Sales at Not Less Than Fair Value,* 79 FR 13620 (March 11, 2014) (''*Preliminary Determination*'').

[2] The deadline for the postponement of this investigation was March 17, 2014. Due to the closure of the Federal Government in Washington, DC on March 17, 2014, the Department reached this determination on the next business day (*i.e.,* March 18, 2014). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[3] *See* Letter from Petitioners, Re: Request for Postponement of the Final Determination, dated March 7, 2014.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Proposed Information Collection; Comment Request; Alaska Region Bering Sea and Aleutian Islands Crab Arbitration

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 23, 2014.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *patsy.bearden@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

This request is for extension of a currently approved collection.

The Crab Rationalization Program allocates Bering Sea and Aleutian Islands (BSAI) crab resources among harvesters, processors, and coastal communities through a limited access system that balances the interests of these groups who depend on these fisheries. Program components include quota share allocation, processor quota share allocation, individual fishing quota and individual processing quota issuance, quota transfers, use caps, crab harvesting cooperatives, protections for Gulf of Alaska groundfish fisheries, arbitration system, monitoring, economic data collection, and cost recovery fee collection.

The Crab Rationalization Program Arbitration System is established by the contracts required pursuant to 50CF 680.20, including the process by which the Market Report and Non-Binding Price Formula are produced, as well as the negotiation approaches, the Binding Arbitration process, and fee collection.

### II. Method of Collection

Responses are mailed, except that the Non-binding Price Formula Report may be submitted electronically.

### III. Data

*OMB Control Number:* 0648–0516.

*Form Number:* None.

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

*Affected Public:* Business or other for-profit organizations; individuals or households.

*Estimated Number of Respondents:* 49.

*Estimated Time per Response:* Combined Annual Arbitration Organization Notification and Report, 5 hours; Contract Arbitrator Report, 4 hours; Combined Shared Arbitration Accounting Report, 20 hours.

*Estimated Total Annual Burden Hours:* 78.

*Estimated Total Annual Cost to Public:* $435,545 in recordkeeping/reporting costs.

### 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: March 19, 2014.

**Gwellnar Banks,**

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

[FR Doc. 2014–06318 Filed 3–21–14; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Proposed Information Collection; Comment Request; Alaska Pacific Halibut Fisheries: Charter Recordkeeping

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 23, 2014.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *Patsy.Bearden@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

This request is for extension of a currently approved information collection.

Management of and regulations for Pacific halibut in Alaska are developed on the international, Federal, and state levels by the International Pacific Halibut Commission (IPHC), the North Pacific Fishery Management Council (Council), National Marine Fisheries Service, Alaska Region (NMFS), and the State of Alaska Department of Fish and Game (ADF&G). The IPHC and NMFS manage fishing for Pacific halibut through regulations established under authority of the Convention between the United States Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention), the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c (Halibut Act), and Section 303(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Regulations that implement this collection-of-information are found at 50 CFR part 300.60 through 300.66 and at 50 CFR 679.5(l)(7).

Annual catch quotas are determined by the IPHC, and Federal responsibility for halibut management extends to halibut stocks and fishing activity within State of Alaska waters. In order to manage halibut effectively, international and Federal managers need information on halibut fishing effort and harvest by all user groups, including the guided sport charter sector of the fishery.

Federal regulations at 50 CFR 300.65 require charter vessel operators fishing in IPHC Areas 2C and 3A to comply with the ADF&G annual registration of sport fishing guides and businesses and ADF&G saltwater charter halibut logbook. NMFS and ADF&G coordinate closely in the development of this information collection for the monitoring and enforcement of the charter vessel catch limit of halibut.

A Catch Sharing Program was developed in IPHC Regulatory Areas 2C and 3A for the guided sport and commercial fisheries which authorized commercial halibut quota share (QS) holders to transfer individual fishing quota (IFQ) as guided angler fish (GAF) to charter halibut permit holders. A GAF electronic landing report and GAF permit log were added to provide efficiency in monitoring quota.

The primary objectives of the Catch Sharing Program are to change the annual process of allocating halibut between the charter and commercial fisheries in IPHC Areas 2C and 3A, establish allocations that balance the differing needs of the charter and commercial sectors that also float with varying levels of annual halibut abundance, and specify a process for determining harvest restrictions for charter anglers that are intended to limit harvest to the annual charter fishery catch limit.

### II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

### III. Data

*OMB Control Number:* 0648–0575.

*Form Number:* None.

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

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

*Estimated Number of Respondents:* 696.

*Estimated Time per Response:* 5 minutes each for charter halibut logbook and GAF electronic landing report; 2 minutes for GAF permit log.

*Estimated Total Annual Burden Hours:* 4,733.

*Estimated Total Annual Cost to Public:* $2,366 in recordkeeping/reporting costs.

### 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: March 19, 2014.

**Gwellnar Banks,**

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

[FR Doc. 2014–06338 Filed 3–21–14; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Proposed Information Collection; Comment Request; Cost and Earnings Surveys for West Coast Commercial Albacore Fishery

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 23, 2014.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Stephen M. Stohs, (858) 546–7084 or *Stephen.Stohs@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

This request is for a new information collection.

The National Marine Fisheries Service (NMFS) proposes to collect economic information for fishing vessels in the West Coast Commercial Albacore Fishery. Information about revenues, variable and fixed costs, capital investment, vessel characteristics, and employment would be collected from vessel owners for a stratified random sample of vessels in this fishery. The data will be used to assess how fishermen will be impacted by and respond to federal regulation likely to be considered by fishery managers. Therefore, the data will be used to strengthen and improve fishery management decision-making, satisfy legal mandates under Executive Order 12866, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act, and other pertinent statues.

#### II. Method of Collection

The economic information sought will be collected via mail, phone and in-person surveys. Where feasible, the respondents will be provided with the option to respond to the mail survey on-line via email or other electronic forms such as an online survey tool.

#### III. Data

*OMB Control Number:* None.

*Form Number:* None.

*Type of Review:* Regular submission (request for a new information collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 250.

*Estimated Time per Response:* 2 hours. 30 minutes.

*Estimated Total Annual Burden Hours:* 625.

*Estimated Total Annual Cost to Public:* $0 in recordkeeping/reporting costs.

#### 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: March 18, 2014.

**Gwellnar Banks,**

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

[FR Doc. 2014–06250 Filed 3–21–14; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD172**

### Atlantic Highly Migratory Species; Initiation of 5-Year Essential Fish Habitat Review

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

**ACTION:** Notice of initiation of 5-year Essential Fish Habitat review; request for information.

**SUMMARY:** NMFS announces a 5-year review of essential fish habitat (EFH) for Atlantic highly migratory species (HMS) under the Magnuson-Stevens Fishery Conservation and Management Act. The purpose of the 5-year review is to evaluate the EFH provisions of the fishery management plan (FMP) and revise or amend them as warranted. A 5-year review is based on the best data available regarding Atlantic HMS and their habitats; therefore, NMFS is requesting submission of any such information on Atlantic HMS EFH that has become available since publication of Final Amendment 1 to the 2006 Consolidated HMS FMP in 2009; Final Environmental Impact Statement for Amendment 3 to the 2006 Consolidated HMS FMP; and the interpretive rule and final action that published on September 22, 2010, and defined EFH for roundscale spearfish.

**DATES:** To allow adequate time to conduct this review, NMFS must receive your information no later than May 23, 2014.

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

- *Electronic Submission:* Submit information via email to: *NMFS.HMSEFH@noaa.gov.*
- *Mail:* Submit written information to Jenni Wallace, HMS Management Division, NMFS, SSMC3/F/SF1, 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope ''Atlantic HMS EFH 5-Year Review.''
- *Instructions:* Information must be submitted by one of the above methods to ensure that the information is received, documented, and considered by NMFS. Information sent by any other method, or received after the end of the 60-day submission period, may not be considered. All information received is a part of the public record and may be posted for public viewing on *http://*

*www.nmfs.noaa.gov/sfa/hms/without* change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous submissions.

**FOR FURTHER INFORMATION CONTACT:** Jenni Wallace or Margo Schulze-Haugen at (301)427–8503.

**SUPPLEMENTARY INFORMATION:** In 1996, Congress reauthorized the Magnuson-Stevens Fishery Management and Conservation Act (Magnuson-Stevens Act). Section 305(b)(1)(A) of the reauthorized Magnuson-Stevens Act includes a requirement to identify and describe EFH for all federally-managed fish species based on guidelines established by the Secretary of Commerce (Secretary), to minimize, to the extent practicable, adverse effects on such habitat caused by fishing, and to identify other actions to encourage the conservation and enhancement of EFH. EFH is defined in section 3(10) of the Magnuson-Stevens Act as ''those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity''.

The fishery management plan regulations (50 CFR 600.815) addressing EFH state that Councils and NMFS should periodically review and revise or amend the EFH provisions as warranted based on available information (§ 600.815(a)(10)). In 2009, NMFS completed a 5-year review and update of EFH for Atlantic HMS in Final Amendment 1 to the 2006 Consolidated HMS FMP (June 12, 2009; 74 FR 288018). In Amendment 1, NMFS updated and revised existing identifications and descriptions of EFH for Atlantic HMS, designated a Habitat Area of Particular Concern (HAPC) for bluefin tuna in the Gulf of Mexico and updated the analysis of fishing and non-fishing impacts to EFH. In 2010, NMFS published a Final Environmental Impact Statement for Amendment 3 to the 2006 Consolidated HMS FMP that designated EFH for smoothhound sharks using the same methodology in Final Amendment 1 to the 2006 Consolidated HMS FMP. In 2010, NMFS also published an interpretive rule and final action (September 22, 2010, 75 FR 57698) that added roundscale spearfish to the definition of terms in the Atlantic HMS regulations, and defined EFH for roundscale spearfish. This notice announces the first 5-year review of all designated Atlantic HMS EFH.

**Public Solicitation of New Information**

To ensure that the 5-year review is complete and based on the best data available regarding Atlantic HMS and their habitats, NMFS is soliciting information from the public, government agencies, tribes, the scientific community, industry, environmental entities, and any other parties, concerning EFH of Atlantic HMS. Categories of requested information are based on the 10 EFH components identified in FMP regulations. These include: (1) Description and identification of EFH; (2) Fishing activities that may adversely affect EFH; (3) Non-Magnuson-Stevens Act fishing activities that may adversely affect EFH; (4) Non-fishing related activities that may adversely affect EFH; (5) Cumulative impacts analysis; (6) Conservation and enhancement; (7)Prey species; (8) Identification of Habitat Areas of Particular Concern; (9) Research and information needs; and (10) Review and revision of EFH components of FMPs (§ 600.815(a)(1)–(10)). Any new information will be considered during the 5-year review and may also be used in evaluating ongoing research and management of Atlantic HMS.

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

Dated: March 19, 2014.

**Emily H. Menashes,**

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

[FR Doc. 2014–06379 Filed 3–21–14; 8:45 am]

**BILLING CODE 3510–22–P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Draft Programmatic Environmental Assessment of Potential White Shark Research and Education Projects in the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of Availability; Request for Public Comment.

**SUMMARY:** NOAA has developed a draft programmatic environmental assessment (PEA) to analyze the potential impacts of anticipated research and education projects in the next five years and that may have the potential to affect White Sharks within Gulf of the Farallones National Marine Sanctuary (GFNMS) and the northern portion of the Monterey Bay National Marine Sanctuary (MBNMS). The anticipated types of research and education projects described in the document have been evaluated for consistency with the National Marine Sanctuaries Act, sanctuary goals and objectives, and ONMS permitting regulations. The draft PEA is available for download on the Web site: *http://farallones.noaa.gov/eco/sharks/sharks_pea.html.* Proposed projects that are outside the scope of this PEA would be further evaluated on a case-by-case basis during their individual permit review phase.

**SUPPLEMENTARY INFORMATION:** This draft PEA on potential research and education permit decisions for attraction or approach of White Sharks incorporates a permit-specific draft EA released for public comment in 2010. On September 30, 2010, NOAA released a draft EA for public comment that analyzed the potential impacts of issuing a research permit that involved attaching location transmitters on up to eleven White Sharks (75 FR 60407). The purpose of the proposed research study was learn more about the full migratory cycle of White Sharks that visit the sanctuary seasonally. Since then, NOAA has determined that the full suite of potential permit projects—both research and education—should be analyzed in order to better understand the scope of potential effects of permitting decisions on White Sharks in the sanctuaries. Rather than finalizing the permit-specific EA, NOAA has developed this programmatic analysis and seeks public comment.

**DATES:** Comments on this draft environmental assessment may be made on or before April 23, 2014.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NOS–2014–0015, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA–NOS–2014–0015,* click the ''Comment Now!'' icon, complete the required fields and enter or attach your comments.
- *Mail:* Submit written comments to: Max Delaney, Permit Coordinator, Gulf of the Farallones National Marine Sanctuary, The Presidio, 991 Marine Drive, San Francisco, CA 94129.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be

considered by ONMS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. ONMS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Max Delaney, Gulf of the Farallones National Marine Sanctuary, The Presidio, 991 Marine Drive, San Francisco, CA 94129. Phone: (415) 970–5255.

Dated: March 14, 2014.

**Daniel J. Basta,**

*Director for the Office of National Marine Sanctuaries.*

[FR Doc. 2014–06280 Filed 3–21–14; 8:45 am]

**BILLING CODE 3510–NK–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD195**

### Caribbean Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Caribbean Fishery Management Council (Council) will hold its 149th meeting.

**DATES:** The meeting will be held on April 22–23, 2014. The Council will convene on Tuesday, April 22, 2014 from 9 a.m. to 6 p.m., and will reconvene on Wednesday, April 23, 2014, from 9 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the Divi Carina Beach Resort and Casino, 25 Estate Turner Hole, Christiansted, St. Croix, USVI 00820.

**FOR FURTHER INFORMATION CONTACT:** Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone: (787) 766–5926.

**SUPPLEMENTARY INFORMATION:** The Council will hold its 149th regular Council Meeting to discuss the items contained in the following agenda:

**April 22, 2014, 9 a.m.–5 p.m.**

- Call to Order
- Adoption of Agenda
- Consideration of 148th Council Meeting Verbatim Transcriptions
- Executive Director's Report
- Management Issues Under Development: Brief Overview—Dr. William Arnold
- Island-Based Fishery Management
  - —SSC Meeting Report—Dr. Richard Appeldoorn
  - —Outcomes from the Second Round of Island-Based Scoping Meetings—Dr. Graciela García-Moliner/Dr. William Arnold
  - —Request to Council for Motion Directing Staff to Initiate the Development of the Public Hearing Draft/DEISs and FMPs
- Annual Catch Limit Control Rule—Dr. William Arnold

Council Considers Public Hearing Draft
Select Preferred Alternatives
Request Approval for Public Hearings via Motion

- Timing of Accountability Measure-based Closures Action—Dr. Kate Quigley

Scoping Document Presented to the Council
Request Approval for Scoping Hearings via Motion

- Abrir/Bajo/Tourmaline Consistency of Regulations—Dr. Graciela García-Moliner

Council Considers Public Hearing Draft
Select Preferred Alternatives
Request Approval for Public Hearings via Motion

- SEDAR 35 Red Hind Update –Dr. Graciela García-Moliner
- Outreach and Education Report—Dr. Alida Ortíz

Public Comment Period (5-minutes presentations)

**April 22, 2014, 5:15 p.m.–6 p.m.**

- Administrative Matters
  - —Budget Update FY 2014/15
  - —Closed Session to Discuss SSC/AP/OEAP Memberships
  - —Other Business

**April 23, 2014, 9 a.m.–5 p.m.**

- Update: Planning for the FY14 Funds Received to Support Improvements in Data Collection Management in the U.S. Virgin Islands and Puerto Rico—Dr. Bonnie Ponwith
- MRIP Caribbean Report
- Electronic Reporting Project for Puerto Rico and the U.S. Virgin Islands—Point 97 Representative
- Lang Bank Report—Dr. Jorge R. García-Sais
- Queen Conch Minimum Size Requirements—Clarification of Regulations in 50 CFR Part §622.492—Dr. William Arnold
- Enforcement Issues:
  - —Puerto Rico—DNER
  - —U.S. Virgin Islands—DPNR
  - —U.S. Coast Guard
- Meetings Attended by Council Members and Staff

Public Comment Period (5-minute presentations)

- Other Business
  - —Approaching the End of the Grouper 4 Rebuilding Plan
  - —Fishery Independent Data Workshop Plans—Dr. William Arnold

The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. To further accommodate discussion and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be subjects for formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice, and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

The meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/or other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone (787) 766–5926, at least five days prior to the meeting date.

Dated: March 19, 2014.

**Tracey L. Thompson,**

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

[FR Doc. 2014–06332 Filed 3–21–14; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD193**

### Fisheries of the Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

**ACTION:** Notice of SEDAR 35 data webinar for Caribbean Red Hind.

**SUMMARY:** The SEDAR assessment of the Caribbean Red Hind will consist of several workshops and a series of webinars. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR 35 post-data workshop webinar will be held on Tuesday, April 15, 2014 from 10 a.m. until 12 p.m. eastern standard time (e.s.t.).

**ADDRESSES:**

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of the webinar.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Coordinator; telephone: (843) 571–4366; email: *julie.neer@safmc.net.*

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Workshop and a series of Assessment webinars; and (3) Review Workshop. The product of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment workshop and webinars produce a report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Consensus Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the data webinar are as follows:

Participants will discuss and review data analyses and decisions since the Data Workshop.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

### Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: March 19, 2014.

**Tracey L. Thompson,**

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

[FR Doc. 2014–06331 Filed 3–21–14; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD179**

### Marine Mammals; File No. 18528

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the NMFS National Marine Mammal Laboratory (Responsible Party: John Bengtson, Ph.D.), 7600 Sand Point Way NE., Seattle, WA 98115–0070, has applied in due form for a permit to conduct research on Steller sea lions (*Eumetopias jubatus*).

**DATES:** Written, telefaxed, or email comments must be received on or before April 23, 2014.

**ADDRESSES:** The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18528 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)427–8401; fax (301)713–0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301)713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan or Tammy Adams, (301)427–8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended

(MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant proposes to conduct research on the Western distinct population segment (wDPS) and Eastern distinct population segment (eDPS) of Steller sea lions in Alaska, Washington, Oregon, and California to measure population status, vital rates, foraging ecology, habitat requirements, and effects of natural and anthropogenic factors pursuant to fulfilling the NMFS' legal requirements under the MMPA and ESA. Annually in the wDPS, up to 66,000 Steller sea lions may be exposed to aerial surveys by manned or unmanned aircraft, 7,000 to rookery-based activities, and 10,500 to other incidental activities. Up to 595 Steller sea lions could be captured, with up to 345 having blood, skin, and swab samples collected, 395 hot-branded, and up to 145 blubber biopsied, 345 vibrissa removed, and 320 subject to stomach intubation. Instruments will be attached on up to 45, and 245 would receive a non-permanent mark if not hot-branded. Annually in the eDPS, up to 46,000 sea lions may be exposed to aerial surveys, and 13,100 to incidental activities. Up to 40 adult males could be captured, and have blood, hair, and skin samples collected, hot-brand and flipper tags applied, and have an instrument attached. Up to 200 pups would be captured, hot-branded flipper-tagged, swabbed, and skin biopsied, with 50 also having blood and hair samples collected. Non-target species that may be taken incidentally include northern fur seals (*Callorhinus ursinus*) in Alaska, California sea lions (*Zalophus californianus*) and northern elephant seals (*Mirounga angustirostris*) in Washington, Oregon, and California, and harbor seals (*Phoca vitulina*) in all states. Samples may be exported and re-imported. The requested duration of the permit is five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the effects of the activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007), and that issuance of the permit would not have a significant adverse impact on the human environment.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 14, 2014.

**Perry F. Gayaldo,**

*Acting Deputy, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2014–06291 Filed 3–21–14; 8:45 am]

**BILLING CODE 3510–22–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### Publication of FY 2013 Service Contract Inventory

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of public availability of FY 2013 Service Contract Inventory.

**SUMMARY:** In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010, the Bureau of Consumer Financial Protection (Bureau) is publishing this notice to advise the public of the availability of the FY 2013 Service Contract Inventory. This inventory provides information on service contract actions over $25,000, which the Bureau awarded during FY 2013. The information is organized by function to show how contracted resources were used by the agency to support its mission. The inventory has been developed in accordance with the guidance issued on November 5, 2010 and December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at: *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf* and *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.pdf*. The Bureau has posted its inventory and a summary of the inventory on the Bureau's ''Open government'' homepage at the following link: *http://www.consumerfinance.gov/open/*, specifically at *http://files.consumerfinance.gov/f/201312_cfpb_worksheet_service-contract-inventory.pdf* and *http://files.consumerfinance.gov/f/201312_cfpb_summary_service-contract-inventory.pdf*.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the service contract inventory should be directed to Hoa Crews, Senior Procurement Analyst, Office of Procurement, Consumer Financial Protection Bureau, (202) 435–7422.

Dated: March 13, 2014.

**Richard Cordray,**

*Director, Bureau of Consumer Financial Protection.*

[FR Doc. 2014–06299 Filed 3–21–14; 8:45 am]

**BILLING CODE 4810–AM–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2014–OS–0039]**

### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel & Readiness, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel & Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by May 23, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://*

*www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Program Manager, Spouse Education & Career Opportunities Program, Office of Family Policy/Children and Youth, Military Community and Family Policy, 4800 Mark Center Drive, Suite 03G15, Alexandria, VA 22350–2300, ATTN: Ms. Meg O'Grady, or 571–372–5316.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Military Spouse Employment Partnership (MSEP) Career Portal; OMB Control Number 0704–XXXX.

*Needs And Uses:* This information collection requirement is necessary to allow MSEP Partners to search for military spouse candidates and for military spouses to directly search for employment opportunities with MSEP Partners.

*Affected Public:* Military spouse users of the MSEP Career Portal, MSEP Partners, Companies.

*Annual Burden Hours:*
Military Spouses = 900,000
MSEP Partners = 125
Companies = 38
TOTAL = 900,163

*Number of Respondents:*
Military Spouses = 1.2 million
MSEP Partners = 300 partners
Companies = 150 companies
TOTAL = 1,200,450 respondents

*Responses per Respondent:* 1

*Average Burden per Response:*
Military Spouses = 45 minutes
MSEP Partners = 25 minutes
Companies = 15 minutes
TOTAL = 85 minutes

*Frequency:*
Military Spouses = On occasion
MSEP Partners = On occasion
Companies = Once

The Military Spouse Employment Partnership (MSEP) Career Portal is the web platform utilized to connect military spouses and same-sex spouses with companies seeking to hire military spouse employees. Participating companies, called MSEP Partners, are vetted and approved participants in the MSEP Program and have pledged to recruit, hire, promote and retain military spouses in portable careers. MSEP is a targeted recruitment and employment partnership that connects American businesses with military spouses who possess essential 21st-century workforce skills and attributes and are seeking portable, fulfilling careers. This program was developed in compliance with 10 U.S. Code 1784 Employment Opportunities for Military Spouses which states:

(f) *Private-Sector Employment.*—The Secretary of Defense—

(1) shall seek to develop partnerships with firms in the private sector to enhance employment opportunities for spouses of members of the armed forces and to provide for improved job portability for such spouses, especially in the case of the spouse of a member of the armed forces accompanying the member to a new geographical area because of a change of permanent duty station of the member; and

(2) shall work with the United States Chamber of Commerce and other appropriate private-sector entities to facilitate the formation of such partnerships.

Dated: March 19, 2014.

**Aaron Siegel,**

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

[FR Doc. 2014–06319 Filed 3–21–14; 8:45 am]

**BILLING CODE 5001–06–P**

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

**[Docket No. DARS–2014–0022]**

### Defense Federal Acquisition Regulation Supplement Acquisition of Items for Which Federal Prison Industries has a Significant Market Share

**AGENCY:** Department of Defense.

**ACTION:** Notice; correction.

**SUMMARY:** This document corrects the effective dates in a notice published in the **Federal Register** on March 19, 2014, regarding the annual list of product categories for which the Federal Prison Industries' share of the DoD Market is greater than five percent. The new effective date is March 26, 2014.

**FOR FURTHER INFORMATION CONTACT:** Sheila Harris, telephone 703–614–1333.

**Correction**

In the notice published on March 19, 2014, at 79 FR 15322, make the following corrections in the **DATES** and **BACKGROUND** sections of the notice by removing the effective date of ''April 5, 2014'' and adding ''March 26, 2014'' in its place.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. 2014–06535 Filed 3–21–14; 8:45 am]

**BILLING CODE 5001–06–P**

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## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0004]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; 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 April 23, 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. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* 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 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Karen Wilson, 202–502–7663.

**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:* 1840–0753.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* Individuals or households, State, Local, or Tribal Governments.

*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: March 18, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–06309 Filed 3–21–14; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0002]**

## Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Teach Grant Supplementary Data Collection

**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 April 23, 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–0002 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* 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 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Freddie Cross, 202–502–7489.

**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:* Teach Grant Supplementary Data Collection.

*OMB Control Number:* 1840–0819.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* Private Sector.

*Total Estimated Number of Annual Responses:* 796.

*Total Estimated Number of Annual Burden Hours:* 796.

*Abstract:* The Secretary of Education is required to report to Congress about the Teacher Education Assistance for Higher Education (TEACH) Grant Program, including the student's: (1) Eligible field of study and (2) cost of education. The Secretary includes these data elements as part of a report submitted to congressional authorizing committees with respect to schools and students served by Teach Grant recipient schools. This report is required by Section 420P of the Higher Education Act, as amended by the Higher Education Opportunity Act of 2008.

Dated: March 18, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–06308 Filed 3–21–14; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0001]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Education Resource Organizations Directory

**AGENCY:** Office of Communication and Outreach (OCO), 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 a reinstatement of a previously approved information collection.

**DATES:** Interested persons are invited to submit comments on or before April 23, 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–0001 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* 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 2E105, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Vanessa McKinney, 202–453–5552.

**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:* Education Resource Organizations Directory.

*OMB Control Number:* 1860–0508.

*Type of Review:* A reinstatement of a previously approved information collection.

*Respondents/Affected Public:* State, Local, or Tribal Governments.

*Total Estimated Number of Annual Responses:* 1,800.

*Total Estimated Number of Annual Burden Hours:* 373.

*Abstract:* Education Resource Organizations Directory (EROD), is an electronic directory of educational resource organizations and services available at the state, regional, and national level. The goal of this directory is to help individuals and organizations identify and contact organizational sources of information and assistance on a broad range of education-related topics. Users of the directory include diverse groups such as teachers, librarians, students, researchers, and parents.

Dated: March 19, 2014.

**Stephanie Valentine,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–06339 Filed 3–21–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Notice Extending the Application Deadline for Fiscal Year 2015 Awards; Impact Aid Section 8002 Grant Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.041A.

**SUMMARY:** The Secretary extends to April 30, 2014, the deadline date for the submission of applications for fiscal year (FY) 2015 awards under the Impact Aid Section 8002 Grant Program. Impact Aid regulations specify that the annual application deadline is January 31. However, the Secretary extends this deadline because of application changes necessitated by amendments in the FY 2013 National Defense Appropriation Act, and the time needed to implement subsequent technology upgrades to the application package.

**FOR FURTHER INFORMATION CONTACT:** Robin Robinson, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202–6244. Telephone: (202) 260–3858 or by email: *Impact.Aid@ed.gov.*

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

**DATES:**

*Applications Available:* March 4, 2014.

*Deadline for Transmittal of Applications:* April 30, 2014.

The Secretary will also accept and approve for payment any otherwise approvable application that is received on or before (1) the 60th calendar day after April 30, 2014, which is June 30, 2014, or (2) the 60th calendar day after the Secretary provides written notice via email to a local educational agency that applied in the previous year but did not apply by April 30, 2014.

Consistent with section 8005 of the Impact Aid statute, as well as the program regulations at 34 CFR 222.6(b)(2), any applicant submitting an application after April 30, 2014, but within the timeframe referenced above, will have its payment reduced by 10 percent of the amount it would have received had its application been filed by April 30, 2014.

*Deadline for Intergovernmental Review:* June 30, 2014.

### Full Text of Announcement

### I. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an electronic application via the Internet at: *www.G5.gov.* For assistance, please contact the Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202–6244. Telephone: (202)260–3858, Fax: 1–866–799–1272, or by email: *Impact.Aid@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

3. *Submission Dates and Times:*

*Applications Available:* March 4, 2014.

*Deadline for Transmittal of Applications:* April 30, 2014.

The Secretary will also accept and approve for payment any otherwise approvable application that is received on or before (1) the 60th calendar day after April 30, 2014, which is June 30, 2014, or (2) the 60th day after the Secretary provides written notice via email to a local educational agency that applied in the previous year but did not apply by the April 30, 2014 deadline.

Consistent with section 8005 of the Impact Aid statute, as well as the program regulations at 34 CFR 222.6(b)(2), any applicant submitting an application after April 30, 2014, but within the timeframe referenced above, will have its payment reduced by 10 percent of the amount it would have received had its application been filed by April 30, 2014.

Applications for grants under this competition must be submitted electronically using G5, the Department's grant management system, accessible through the Department's G5 site.

*Deadline for Intergovernmental Review:* June 30, 2014.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html*.

7. *Other Submission Requirements:*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not email an electronic copy of a grant application to us. We will also reject your application if you submit it in paper format.

Please note the following:

- You must complete the electronic submission of your grant application before midnight, Washington, DC time, on the application deadline date. G5 will not accept an application for this competition after 11:59:59 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.
- The hours of operation of the G5 Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the G5 Web site.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Section 8002 and all necessary signature pages.
- You must upload any supporting documentation to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password protected file, we will not review that material.
- Before submitting your electronic application, you may wish to print a copy of it for your records.
- After you electronically submit your application, you will receive an automatic acknowledgment.
- By the application deadline date, you must fax or email a signed copy of the cover page and the assurances for the Section 8002 application to the Impact Aid Program, following these steps:

(1) Print a copy of the application from G5 for your records.

(2) The applicant's Authorizing Representative must sign and date the cover page and assurances page. These forms must be submitted by the application deadline in order to be considered for funding under this program.

(3) Fax or email the signed cover page and assurances page for the Section 8002 application to the Impact Aid Program at 1–866–799–1272 or by email to *Impact.Aid@ed.gov*. These forms must be submitted before midnight, Washington, DC time, of the application deadline in order to be considered for funding under this program.

- We may request that you provide us original signatures on other forms at a later date.

*Application Deadline Date Extension in Case of G5 System Unavailability:* If you are prevented from electronically submitting your application on the application deadline date because the G5 system is unavailable, we will grant you an extension until midnight, Washington, DC time, the following business day to enable you to transmit your application electronically. We will grant this extension if—

(1) You are a registered user of the G5 system and you have initiated an

electronic application for this competition; and

(2) (a) G5 is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 11:00 p.m., Washington, DC time, on the application deadline date; or

(b) G5 is unavailable for any period of time between 11:00 p.m. and midnight, Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the office listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** or (2) the G5 help desk at 1–888–336–8930. If G5 is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an email will be sent to all registered users who have initiated a G5 application. Extensions referred to in this section apply only to the unavailability of the G5 system.

## II. Waiver of Rulemaking

Section 222.3 of CFR Title 34, which establishes the annual January 31 Impact Aid application deadline, is currently in effect. However, due to application changes necessitated by amendments in the FY 2013 National Defense Authorization Act (Pub. L. 112–239) and the related revision, production, and distribution of the application packages, the Secretary extends the deadline for the transmittal of applications under section 8002 for FY 2015.

Because this amendment makes a procedural change for this year only as a result of unique circumstances, proposed rulemaking is not required under 5 U.S.C. 553(b)(A).

In addition, the Secretary has waived rulemaking under 5 U.S.C. 553(b)(3) for this one-time suspension of the regulatory deadline date because it would be impracticable and contrary to the public interest. It would be impracticable because Section 8002 applicants need to be able to submit an FY 2015 application as soon as possible after January 31, 2014, to receive funding for their 2014–2015 school year on a timely basis. The months required for rulemaking would make it impossible for districts to receive this annual funding in a timely manner. Rulemaking would also be contrary to the public interest because the Department's ability to make FY 2015 payments would be stalled, thus affecting school districts in their planning and provision of services.

## III. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact listed under **FOR FURTHER INFORMATION CONTACT**.

*Accommodation or Auxiliary Aid:* Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the office listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Program Authority:** 20 U.S.C. 7702

Dated: March 19, 2014.

**Deborah S. Delisle,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2014–06389 Filed 3–21–14; 8:45 am]

**BILLING CODE 4000–01–P**

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## DEPARTMENT OF EDUCATION

## Applications for New Awards; Training and Information for Parents of Children with Disabilities—Military Parent Technical Assistance Center

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

### Overview Information

Training and Information for Parents of Children with Disabilities—Military Parent Technical Assistance Center

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number:

84.328R.

**DATES:**

Applications Available: March 24, 2014.

Deadline for Transmittal of Applications: May 23, 2014.

Deadline for Intergovernmental Review: July 22, 2014.

### Full Text of Announcement

### I. Funding Opportunity Description

*Purpose of Program:* The purpose of this program is to ensure that parents of children with disabilities receive training and information to help improve results for their children.

*Priorities:* In accordance with 34 CFR 75.105(b)(2)(iv), these priorities are from allowable activities specified in the statute (see sections 671, 672, 673, and 681(d) of the Individuals with Disabilities Education Act (IDEA)). This notice establishes one absolute priority and one competitive preference priority.

*Absolute Priority:* For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is: *Military Parent Technical Assistance Center.*

*Background*

The purpose of this priority is to fund a cooperative agreement to establish and operate a military parent technical assistance center (Military PTAC) to support Parent Training and Information Centers (PTIs) and Community Parent Resource Centers (CPRCs) (collectively referred to as ''parent centers'') as they serve military parents [1] of children with disabilities and youth with disabilities [2] (hereafter referred to as ''military families'').

More than 35 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by strengthening the ability of parents to participate fully in the education of their children at school and at home (see section 601(c)(5)(B) of IDEA). Since

[1] The term ''parent'' includes natural, adoptive, and foster parents, and individuals acting in the role of parent as defined in section 602(23) of IDEA.

[2] The term ''disabilities'' refers to the full range of disabilities described in section 602(3) of IDEA.

the Department first funded parent centers over 35 years ago, parent centers have helped parents set high expectations for their children with disabilities, and provided parents with the information and training they need to help their children meet those expectations. Parent centers, consistent with section 671(b) of IDEA, have successfully helped families: (a) Navigate systems that provide early intervention, special education, general education, postsecondary options, and related services; (b) understand the nature of their children's disabilities; (c) learn about their rights and responsibilities under IDEA; (d) expand their knowledge of evidence-based education practices to help their children succeed; (e) strengthen their collaboration with professionals; (f) locate resources available for themselves and their children, which connects them to their local communities; and (g) advocate for improved student achievement, increased graduation rates, and improved postsecondary outcomes for all children, including through participation in school reform activities. In addition, parent centers have helped youth with disabilities expect more from themselves, understand their rights and responsibilities, and learn self-advocacy skills. Parent centers have been valuable partners to Federal, State, and local agencies, providing expertise on how to serve families and youth effectively and efficiently.

The Department will fund a Military PTAC to focus on building the capacity of parent centers to provide effective services to military families. In a September 2012 report to the Senate Committee on the Armed Forces, the United States Government Accountability Office identified military families' lack of information about obtaining services necessary to support their children as a significant barrier to timely access to those services.[3] In order to provide military families with the information they need and to effectively support them, staff at parent centers need to be knowledgeable about how military life affects the information and training needs of military families who have a child with a disability, including: (a) The difficulties associated with moving from one duty station to another (including timely access to evaluations, comparable services, eligibility determinations, and extended school year services);[4] (b) medical and insurance issues unique to military families; (c) policies governing the Exceptional Family Member Program (EFMP) and Educational and Developmental Intervention Services (EDIS); and (d) the policies governing how services are provided by schools managed by the Department of Defense.

The Military PTAC will provide universal TA[5] to all parent centers on the provision of effective services to military families, including how to refer families to EFMP and EDIS services, explain the benefits of those services to families, and help military families navigate services in and transitions to local public schools and early intervention programs in the States.

The Military PTAC will would also provide targeted[6] and intensive TA[7] to parent centers requesting additional support to build their capacity to reach and provide services to military families. In addition, the Military PTAC, working collaboratively with the Department of Defense's Office of Community Supports for Military Families with Special Needs, will help facilitate relationships with the EFMP programs at the military bases within the States.

There is one competitive preference priority within this absolute priority. For an applicant under this absolute priority, the competitive preference priority will award additional points if the applicant is a parent organization. We believe such an organization would understand the day-to-day challenges faced by families of children with disabilities and their information and training needs.

The following Web site provides further information on the work of the currently funded PTI serving military families: *www.stompproject.org/*.

*Priority*

The purpose of this priority is to fund a cooperative agreement to establish and operate a Military PTAC. The Military PTAC must, at a minimum: (a) increase knowledge in parent centers of how to provide effective services that meet the needs of military families (i.e., military parents of children with disabilities and youth with disabilities in military families) and that lead to improvements in early learning, school-aged, and postsecondary outcomes; and (b) increase the capacity of parent centers to reach and provide services to military families in their areas.

To be considered for funding under this priority, an applicant must meet the application, programmatic, and administrative requirements of this priority. The requirements for the Military PTAC are as follows:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address parent centers' need for knowledge of how to provide effective services that meet the needs of military families and increase their capacity to support military families, through the provision of universal, targeted, and intensive TA. To meet this requirement the applicant must—

(i) Present information on the needs of military families, the different systems that provide services to these families, and the best practices for reaching and supporting these families;

(ii) Demonstrate knowledge of best practices for providing training and information to a variety of adult and youth audiences, particularly military families;

(iii) Demonstrate knowledge of current evidence-based education practices and policy initiatives for children and youth with disabilities in early childhood, early learning, general and special education, transition services, and postsecondary programs,

[3] U.S. Government Accountability Office. (2012, September). *Military dependent students: Better oversight needed to improve services for children with special needs* (GAO–12–680). Retrieved from *www.gao.gov/products/GAO-12-680*.

[4] U.S. Department of Education. (2013, July 19). *OSEP Dear Colleague Letter on Education for Highly Mobile Children*. Retrieved from *http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-0392dclhighlymobile.pdf*.

[5] As used in this priority, ''universal TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff. This category of TA includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the PTAC's Web site by independent users. Brief communications by PTAC staff with recipients, either by telephone or email, are also considered universal, general TA. The following Web site provides more information on levels of TA: *www.tadnet.org/pages/588*.

[6] As used in this priority, ''targeted TA'' means TA services developed based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA can be one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national meetings. TA can also be episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA. The following Web site provides more information on levels of TA: *www.tadnet.org/pages/588*.

[7] As used in this priority, ''intensive TA'' means TA services often provided on-site and requiring a stable, ongoing, negotiated relationship between the TA center staff and the TA recipient. The TA relationship is defined as a purposeful, planned series of activities designed to reach an outcome that is valued by the individual recipient. This category of TA results in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more levels. The following Web site provides more information on levels of TA: *www.tadnet.org/pages/588*.

and how those best practices can be customized to the needs of military families; and

(iv) Demonstrate knowledge of current programs and resources available specifically for military families; the Office of Special Education Programs (OSEP) technical assistance and dissemination (TA&D) projects and other Department-funded resources; and other Federal, State, and local resources that serve military families; and

(2) Result in an increased capacity of the parent centers to effectively support and provide services to military families.

(b) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Conduct a national assessment of the needs of parent centers for—

(i) Knowledge of the needs of military families; the different systems that provide services to those families; and the best practices for reaching and supporting military families; and

(ii) Resources and services to increase parent centers' capacity to reach and provide services to military families, including making appropriate referrals to other services that support families and youth.

**Note:** The methods and tools that will be used to conduct the needs assessment will be finalized in consultation with the Center for Parent Information and Resources (CPIR), the Regional PTACs, the Native American PTAC, and the OSEP project officer in order to assure coordination and avoid duplication;

(2) Use a conceptual framework and project logic model (see paragraphs (f)(1–2)) to guide the development of project plans and activities; and

(3) Provide universal and targeted TA, as appropriate, to parent centers on best practices in reaching and supporting military families and supporting the participation of military parents of children with disabilities in school reform activities, that—

(i) Includes training for a variety of audiences (e.g., parent center directors, staff, and members of the boards of directors);

(ii) Increases parent centers' capacity to provide information and training to military families on evidence-based education practices that lead to improved early learning, school-aged, and postsecondary outcomes; college- and career-ready standards and assessments; school reform efforts to improve student achievement and increase graduation rates; and the use of data to inform instruction and enhance school reform efforts;

(iii) Increases parent centers' capacity to provide training to youth with disabilities in military families on their rights and responsibilities and to build their self-advocacy skills;

(iv) Is available in a variety of formats (e.g., newsletters, communities of practice, and wikis);

(v) Uses various methods to deliver TA (in-person, remote, and Web-based, among others);

(vi) Uses best practices for training and providing TA to adult learners;

(vii) Uses technology to increase its efficiency and effectiveness;

(viii) Addresses the needs identified through the needs assessment in paragraph (b)(1);

(ix) Responds to emerging educational and policy initiatives that affect military families; and

(x) Makes use of existing knowledge and expertise within parent centers, the CPIR, the Regional PTACs, and the Native American PTAC;

(4) Create new training and information materials for parent centers to use with staff members and military families that are responsive to the changing needs of parent centers;

(5) Provide intensive TA to parent centers that request it. The intensive TA must include—

(i) Methods for identifying and accessing needed resources from other parent centers, the CPIR, the Regional PTACs, the Native American PTAC, OSEP TA&D centers, other Department-funded resources, and national and State centers focused on military families and the issues that affect them;

(ii) Methods for acting as a broker between parent centers and military entities, such as EFMP and EDIS, in collaboration with the Office of Community Supports for Military Families with Special Needs, as appropriate;

(iii) In-person, on-site visits with the parent centers in need of intensive TA, as appropriate; and

(iv) Methods for following up with parent centers and providing ongoing support;

(6) Disseminate information to military families about the work of the parent centers, OSEP's TA&D Network, OSEP initiatives, and other Department-funded resources and initiatives in collaboration with the CPIR, the Regional PTACs, and Native American PTAC; and

(7) Refer military families who contact the Military PTAC to the appropriate parent centers in a manner that assures that the families' needs will be served and, as appropriate, incorporates TA to the parent centers to build their capacity to support these families.

(c) Demonstrate, in the narrative section of the application under ''Quality of the Evaluation Plan,'' how—

(1) The applicant will evaluate the effectiveness of the proposed project by undertaking a formative evaluation and a summative evaluation, including a description of how the applicant will measure the outcomes proposed in the logic model (see paragraph (f)(1)). The description must include—

(i) Proposed evaluation methodologies, including proposed instruments, data collection methods, and analyses; and

(ii) Proposed criteria for determining effectiveness;

(2) The proposed project will use the evaluation results to examine the effectiveness of its implementation and its progress toward achieving intended outcomes; and

(3) Formative evaluation activities during the project period will complement and coordinate with a summative evaluation. The formative and summative evaluation will be developed in consultation with the OSEP project officer.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed personnel, consultants, and contractors have the qualifications and experience to carry out the proposed activities and achieve the intended outcomes identified in the project logic model (see paragraph (f)(1));

(2) The applicant will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, linguistic diversity, gender, age, or disability, as appropriate; and

(3) The applicant and key partners have adequate resources to carry out the proposed project activities.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the intended outcomes identified in the project logic model (see paragraph (f)(1)) will be achieved on time and within budget;

(2) The time of key personnel, consultants, and contractors will be sufficiently allocated to the project;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project benefits from a diversity of perspectives, including those of parent center staff, TA providers, researchers, and families, among others.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, a logic model that depicts, at a minimum, the goals, activities, outputs, and outcomes of the proposed project. A logic model communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project.

**Note:** The following Web sites provide more information on logic models: *www.researchutilization.org/matrix/logicmodel_resource3c.html* and *www.tadnet.org/pages/589.*

(2) Include, in Appendix A, a conceptual framework for the project;

(3) Include, in Appendix A, person-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(4) Include, in the budget, attendance at the following:

(i) An annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each year of the project period.

**Note:** Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative.

(ii) A three-day project directors' conference in Washington, DC, during each year of the project period.

(iii) One trip annually to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP;

(5) Include, in the budget, a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with OSEP.

**Note:** With approval from the OSEP project officer, the Center must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period; and

(6) Maintain a Web site that meets government or industry-recognized standards for accessibility.

*Competitive Preference Priority*

Within this absolute priority, we give competitive preference to applications that address the following priority. For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award an additional 5 points to an application that meets this priority.

This priority is:

Applicants that are parent organizations.

Section 671(a)(2) of IDEA defines a ''parent organization'' as a private nonprofit organization (other than an institution of higher education) that—

(A) Has a board of directors—

(i) The majority of whom are parents of children with disabilities ages birth through 26;

(ii) That includes—

(I) Individuals working in the fields of special education, related services, and early intervention;

(II) Individuals with disabilities; and

(iii) The parent and professional members of which are broadly representative of the population to be served, including low-income parents and parents of limited English proficient children; and

(B) Has as its mission serving families of children with disabilities who—

(i) Are ages birth through 26; and

(ii) Have the full range of disabilities described in section 602(3) of IDEA.

*Waiver of Proposed Rulemaking:* Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priorities in this notice.

**Program Authority:** 20 U.S.C. 1471, 1472, 1473, and 1481.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

## II. Award Information

*Type of Award:* Cooperative agreement.

*Estimated Available Funds:* $295,000 for the competition announced in this notice for year one. In years two through four we intend to award an estimated $300,000 for the competition.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

*Maximum Award:* We will reject any application that proposes a budget exceeding $295,000 for a single budget period of 12 months in year one and $300,000 for a single budget period of 12 months in years two through four. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

*Estimated Number of Awards:* 1.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months.

## III. Eligibility Information

1. *Eligible Applicants:* Nonprofit private organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other General Requirements:*

(a) Recipients of funding under this program must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding under this program must involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

## IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.328R.

To obtain a copy from the program office, contact: Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW., Room 4057, Potomac Center Plaza (PCP), Washington, DC 20202–2600. Telephone: (202) 245–6595. If you use a TDD or TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package

in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirement does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirement does apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit in the application narrative section; or if you apply standards other than those specified in the application package.

3. *Submission Dates and Times:*

Applications Available: March 24, 2014.

Deadline for Transmittal of Applications: May 23, 2014.

Applications for grants under this competition *must be submitted electronically* using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: July 22, 2014.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov. and before you can submit an application through Grants.gov.

If you are currently registered with the SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

*a. Electronic Submission of Applications*

Applications for grants under the Military Parent Technical Assistance Center competition, CFDA number 84.328R, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as

described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Military Parent Technical Assistance Center competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.328, not 84.328R).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Carmen Sanchez, U.S.

Department of Education, 400 Maryland Avenue SW., Room 4057, Potomac Center Plaza (PCP), Washington, DC 20202–2600. FAX: (202) 245–7617.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

*b. Submission of Paper Applications by Mail*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.328R), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

*c. Submission of Paper Applications by Hand Delivery*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.328R), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

4. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure

information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Training and Information for Parents of Children with Disabilities program. Projects funded under this competition are required to submit data on the following measures as directed by OSEP:

*Program Performance Measure #1:* The percentage of materials used by PTI projects that are deemed to be of high quality.

*Program Performance Measure #2:* The percentage of products and services deemed to be of high relevance to educational and early intervention policy and practice.

*Program Performance Measure #3:* The percentage of all products and services deemed to be useful by target audiences to improve educational or early intervention policy or practice.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW., Room 4057, PCP, Washington, DC 20202–2600. Telephone: (202) 245–6595.

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

## VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 14, 2014.

**Michael K. Yudin,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2014–06422 Filed 3–21–14; 8:45 am]

BILLING CODE 4000–01–P

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# DEPARTMENT OF EDUCATION

## Applications for New Awards; Advanced Placement (AP) Test Fee Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

## Overview Information

*Advanced Placement Test Fee Program*

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.330B.

*DATES:*

*Applications Available:* March 24, 2014.

*Deadline for Transmittal of Applications:* May 8, 2014.

*Deadline for Intergovernmental Review:* July 7, 2014.

## Full Text of Announcement

## I. Funding Opportunity Description

*Purpose of Program:* The Advanced Placement (AP) Test Fee program awards grants to eligible State educational agencies (SEAs) to enable them to pay all or a portion of advanced placement test fees on behalf of eligible low-income students who (1) are enrolled in an advanced placement course and (2) plan to take an advanced placement exam. The program is designed to increase the number of low-income students who take advanced placement tests and receive scores for which college academic credit is awarded.

**Program Authority:** 20 U.S.C. 6534.

*Applicable Regulations:* (a) The Education Department General Administration Regulations (EDGAR) in 34 CFR Parts 75, 77, 79, 80, 81, 82, 84, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR Part 3485.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* $28,483,000.

Due to limited funds, the Department does not plan to make new or continuation awards under the Advanced Placement Incentive program in FY 2014.

*Estimated Range of Awards:* $13,235-$10,757,186.

*Estimated Average Size of Awards:* $662,395.

*Estimated Number of Awards:* 43.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 12 months.

## III. Eligibility Information

1. *Eligible Applicants:* SEAs in any State, including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (subject to continued eligibility).

**Note:** For the purposes of this program, the Bureau of Indian Education in the U.S. Department of the Interior is treated as an SEA.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Section 1706 of the ESEA requires that grant funds provided under the AP Test Fee program supplement, and not supplant, other non-Federal funds that are available to assist low-income individuals in paying for the cost of advanced placement test fees.

## IV. Application and Submission Information

1. *Address to Request Application Package:* To obtain an application package via the Internet use the following address: *www.ed.gov/programs/apfee/applicant.html.*

To obtain an application package from the Department use the following address: Francisco Ramirez, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E224, Washington, DC 20202–6200. Telephone: (202) 260–1541 or by email: *francisco.ramirez@ed.gov.*

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

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

3. *Submission Dates and Times:*

*Applications Available:* March 24, 2014.

*Deadline for Transmittal of Applications:* May 8, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

*Deadline for Intergovernmental Review:* July 7, 2014.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR Part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov. and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *http://www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

*a. Electronic Submission of Applications*

Applications for grants under the AP Test Fee program, CFDA number 84.330B, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks

before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the AP Test Fee program at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.330, not 84.330B).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *http://www.G5.gov*.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (a Department-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

*and*

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Francisco Ramirez, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E224, Washington, DC 20202–6200. FAX: (202) 260–8969.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

*b. Submission of Paper Applications by Mail*

If you qualify for an exception to the electronic submission requirement, you

may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.330B), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

*c. Submission of Paper Applications by Hand Delivery*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.330B), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

1. *Review and Selection Process:* The Department intends to fund, at some level, all applications that meet the requirements for Approval of Application as described in the application package for this program and that demonstrate need for new or additional funds to pay advanced placement exam fees on behalf of low-income students for school years 2013–14 and/or 2014–15.

For FY 2014, the Department expects to award approximately $28,483,000 in new grants under this program. Based on the anticipated number of applications and other available information, the Department expects this amount to be sufficient to pay (1) all but $18 of the cost of each advanced placement exam taken by low-income students in school year 2013–14; and (2) all but $18 of the cost of some of the advanced placement exams taken by low-income students in school year 2014–15. Accordingly, SEAs may use AP Test Fee program funds to cover a portion of the cost of each approved advanced placement exam taken by low-income students in school years 2013–14 and 2014–15 as follows: (a) up to $37 for each Advanced Placement test administered by the College Board; (b) up to $86 for each Diploma Programme test administered by the International Baccalaureate Organization; and (c) up to $39 for each Advanced Subsidiary test and up to $68 for each Advanced test administered by Cambridge International Examinations. To the extent that FY 2014 funds are insufficient to cover the cost of advanced placement exams taken by low-income students in school year 2014–15, contingent upon the availability of funds, the Department may award supplemental funds to existing grantees in FY 2015 to cover the cost of advanced placement exams taken by low-income students in school year 2014–15.

**Note:** AP Test Fee program funds may not be used to pay advanced placement test candidate registration fees on behalf of low-income students. Therefore, the student registration fee charged by the International Baccalaureate Organization and the candidate fee charged by the Cambridge International Examinations are not allowable costs under this program.

Further information and instructions on how to request funds for school years 2013–14 and 2014–15 are included in the application package for this program.

Also, in determining whether to approve an application for a new award (including the amount of the award) from an applicant with a current grant under this program, the Department will consider the amount of any unexpended funds under the existing grant and the applicant's use of funds under previous AP Test Fee grant awards.

We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

2. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other

specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 and section 1704(f) of the ESEA should you receive funding under the competition. The reporting requirements in 2 CFR part 170 do not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html*.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has developed five performance measures to evaluate the overall effectiveness of the AP Test Fee program: (1) The number of advanced placement tests taken by low-income public school students nationally; (2) The number of advanced placement tests taken by minority (Hispanic, Black, Native American) public school students nationally; (3) The percentage of advanced placement tests passed (for AP exams, scores of 3–5) by low-income public school students nationally; (4) The number of advanced placement tests passed (for AP exams, scores of 3–5) by low-income public school students nationally; and (5) The cost per passage of an advanced placement test taken by a low-income public school student. The information provided by grantees in their final performance reports will be one of the sources of data for the measures. Other sources of data include the College Board, IB Americas, and University of Cambridge International Examinations.

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Francisco Ramirez, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E224, Washington, DC 20202–6200. Telephone: (202) 260–1541 or by email: *francisco.ramirez@ed.gov*.

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

## VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 19, 2014.

**Deborah Delisle,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2014–06387 Filed 3–21–14; 8:45 am]

BILLING CODE 4000–01–P

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# DEPARTMENT OF EDUCATION

## Notice of an Open Meeting

**AGENCY:** National Advisory Council on Indian Education Meeting (NACIE), U.S. Department of Education.

**ACTION:** Notice of an open meeting.

**SUMMARY:** This notice sets forth the schedule of an upcoming public meeting of the National Advisory Council on Indian Education (the Council) and is intended to notify the general public of the meeting. This notice also describes the functions of the Council. Notice of the Council's meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act.

*Date and Time:* April 3–4, 2014; April 3, 2014—9:00 a.m. to 5:00 p.m. Eastern Daylight Savings Time, April 4, 2014—8:30 a.m. to 4:00 p.m. Eastern Daylight Savings Time.

Location: Omni Shoreham Hotel, 2500 Calvert Street NW., Washington, District of Columbia 20008, Phone: (202) 234–0700, Fax: (202) 265–7972.

Additional details about the meeting will be posted on the NACIE Web site by March 27, 2014. Web site: *www.NACIE-ED.org* (To RSVP, and for NACIE Meeting Updates, and Final Agenda).

**SUPPLEMENTARY INFORMATION:** The National Advisory Council on Indian Education is authorized by Section 7141 of the Elementary and Secondary Education Act. The Council is established within the Department of Education to advise the Secretary of Education on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction and includes Indian children or adults as participants or programs that may benefit Indian children or adults, including any program established under Title VII, Part A of the Elementary and Secondary Education Act. The Council submits to the Congress, not later than June 30 of each year, a report on the activities of the Council that includes recommendations the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program.

One of the Council's responsibilities is to develop and provide recommendations to the Secretary of Education on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction that can benefit Indian children or adults participating in any program which could benefit Indian children. The purpose of this meeting is to convene the Council to continue its responsibilities for developing recommendations to the Secretary of Education on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction and includes Indian children or adults as participants or programs that may benefit Indian children or adults, including any program established under Title VII, Part A of the Elementary and Secondary Education Act, and conduct discussions on the development of the report to Congress that should be submitted no later than June 30, 2014.

Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify Jenelle Leonard at (202) 205–

2161, no later than Monday, March 27, 2014. We will make every attempt to meet requests for accommodations after this date, but, cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

*Public Comment:* Time is scheduled on the agenda to receive public comment at approximately 1:00 p.m. to 2:30 p.m. Eastern Daylight Savings Time April 4, 2014. Speakers will be allowed to comment for 3 to 5 minutes. Comments should pertain to the work of NACIE and/or the Office of Indian Education.

**FOR FURTHER INFORMATION CONTACT:** Jenelle Leonard, Designated Federal Official, Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202. Telephone: 202–205–2161. Fax: 202–205–5870.

A report of the activities of the meeting and related matters that are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 21 days of the meeting. Records are kept of all Council proceedings and are available for public inspection at the at the Office of Indian Education, United States Department of Education, 400 Maryland Avenue SW., Washington, DC 20202. Monday–Friday, 8:30 a.m. to 5:00 p.m. Eastern Daylight Savings Time.

*Electronic Access to This Document:* You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/news/fedregister/index.html.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1830; or in the Washington, DC, area at (202) 512–0000.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *www.gpoaccess.gov/nara/index.html.*

**Deborah S. Delisle,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2014–06382 Filed 3–21–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

**[FE Docket No. 13–132–LNG]**

## Magnolia LNG, LLC; Application for Long-Term Authorization To Export Liquefied Natural Gas Produced From Domestic Natural Gas Resources to Non-Free Trade Agreement Countries for a 25-Year Period

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application) filed on October 11, 2013, by Magnolia LNG, LLC (Magnolia), requesting long-term, multi-contract authorization to export liquefied natural gas (LNG) produced from domestic sources in a volume equivalent to approximately 394.2 billion cubic feet per year (Bcf/yr) of natural gas, or 1.08 Bcf per day (Bcf/d). Magnolia seeks authorization to export the LNG by vessel from the proposed Magnolia LNG Terminal, to be located near Lake Charles, Louisiana (Liquefaction Project), for a 25-year term commencing on the earlier of the date of first export or 10 years from the date the authorization is granted. Magnolia requests authorization to export the LNG by vessel to any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas (non-FTA countries), and with which trade is not prohibited by U.S. law or policy. Magnolia requests this authorization on its own behalf and as agent for other parties who hold title to the LNG at the time of export. This application was filed under section 3(a) of the Natural Gas Act (NGA), 15 U.S.C. 717b(a).

**DATES:** Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, May 23, 2014.

**ADDRESSES:** Electronic Filing by email: *fergas@hq.doe.gov.*

Regular Mail: U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Larine Moore or Lisa Tracy, U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478; (202) 586–4523.

Edward Myers, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6B–256, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–3397.

**SUPPLEMENTARY INFORMATION:**

### Background

*Applicant.* Magnolia states that it is a Delaware limited liability company with its principal place of business in Houston, Texas. Magnolia further states that it is a wholly-owned indirect subsidiary of Liquefied Natural Gas Limited (LNG Limited). According to Magnolia, LNG Limited is a publicly listed Australian company formed with the objective of identifying and developing LNG projects overseas and in Australia.

*Procedural History.* On February 27, 2013, DOE/FE issued Order No. 3245, in which it authorized Magnolia to export LNG produced from domestic sources to FTA countries (*i.e.,* countries with which the United States currently has, or in the future will have, a free trade agreement requiring national treatment for trade in natural gas) in a volume equivalent to approximately 197.1 Bcf/yr of natural gas (0.54 Bcf/d), or 4 million metric tons per annum (mtpa) of LNG.[1]

On October 15, 2013, Magnolia filed a second application requesting authorization to export domestically produced LNG to FTA countries in an identical volume as its first FTA order—197.1 Bcf/yr of natural gas (4 mtpa of LNG). DOE/FE granted that application on March 5, 2014, in DOE/FE Order No. 3406.[2] Thus, Magnolia is currently authorized under both orders to export LNG to FTA countries in a total volume

[1] *Magnolia LNG, LLC,* DOE/FE Order. No. 3245, Order Granting Long-Term Multi-Contract Authorization To Export Liquefied Natural Gas by Vessel From the Proposed Magnolia LNG Terminal in Lake Charles, Louisiana, to Free Trade Agreement Nations (Feb. 27, 2013).

[2] *Magnolia LNG, LLC,* DOE/FE Order. No. 3406, Order Granting Long-Term Multi-Contract Authorization To Export Liquefied Natural Gas by Vessel From the Proposed Magnolia LNG Terminal in Lake Charles, Louisiana, to Free Trade Agreement Nations (March 5, 2014).

equivalent to 394.2 Bcf/yr of natural gas (1.08 Bcf/d).

In the Application subject to this notice, Magnolia requests the same total export volume for non-FTA countries—394.2 Bcf/yr of natural gas, or 8 mtpa of LNG. Magnolia states that this requested non-FTA volume is not additive to its FTA authorizations and that, if granted, would allow the total FTA and non-FTA export volumes to match.

*Liquefaction Project.* Magnolia seeks long-term authorization to export domestically produced LNG from the Magnolia LNG Terminal, which Magnolia proposes to construct, own, and operate. Magnolia states that the Liquefaction Project will be constructed on Industrial Canal South Shore PLC Tract 475, a parcel of land approximately 120 acres in size located in Calcasieu Parish, south of Lake Charles, Louisiana. Magnolia notes that the Terminal will be located in an area zoned for heavy industrial use.

Magnolia states that, on March 6, 2013, it secured property from the Port of Lake Charles to construct the Magnolia LNG Terminal. Specifically, it signed an exclusive, binding four-year Real Estate Lease Option Agreement with the Lake Charles Harbor & Terminal District for the opportunity to assess the project site for the purpose of locating, constructing, operating, and maintaining the proposed Liquefaction Project.[3] Magnolia states that, subject to compliance with the terms of the Option Agreement, it may exercise the option and enter into the ground lease with the Port at any time.

Magnolia states that the Liquefaction Project is anticipated to include four LNG trains, two LNG storage tanks each with capacity of approximately 160,000 $m^3$, and vessel loading facilities. According to Magnolia, each of the LNG trains will be capable of producing up to 2 mtpa of LNG, for a total capacity of 8 mtpa of LNG. Magnolia further states that it plans to receive natural gas by pipeline at the Magnolia LNG Terminal, liquefy the gas, and load the LNG from the storage tanks onto an LNG carrier berthed alongside the Magnolia LNG Terminal.

## Current Application

Magnolia requests long-term, multi-contract authorization to export LNG in a volume equivalent to approximately 394.2 Bcf/yr of domestic natural gas (1.08 Bcf/d) from the proposed Magnolia LNG Terminal to any non-FTA country which has developed or in the future develops the capacity to import LNG, and with which trade is not prohibited by U.S. law or policy. Magnolia requests this authorization for a 25-year term commencing on the earlier of the date of first export or 10 years from the date the requested authorization is granted.

Magnolia states that it seeks to export the requested LNG on its own behalf and as agent for others. Magnolia states that it will comply with all DOE/FE requirements for exports and agents as set forth in recent DOE/FE orders, including registering each LNG title holder for whom Magnolia seeks to export as agent. Magnolia proposes that this registration include a written statement by the title holder acknowledging and agreeing to comply with all applicable requirements included by DOE/FE in Magnolia's export authorization, and to include those requirements in any subsequent purchase or sale agreement entered into by that title holder. In addition, Magnolia states that it will file under seal with DOE/FE any relevant long-term commercial agreements between Magnolia and the LNG title holder, once those agreements have been executed.

Magnolia states that the terms and conditions related to the use of the Magnolia LNG Terminal facilities will be set forth in agreements with Project customers. Magnolia anticipates that these agreements will be for terms of up to 25 years in duration and will run concurrently with Magnolia's export authorization. Magnolia states that it has not yet entered into such agreements, but that it is engaged in commercial negotiations with several potential terminal customers. Magnolia states that DOE/FE has previously found that this commitment conforms to the requirements of 10 CFR 590.202(b), which calls upon applicants to supply transaction specific information ''to the extent practicable.''

Magnolia states that the Magnolia LNG Terminal will be situated within approximately three miles of four major interstate/intrastate natural gas pipelines owned by Trunkline Gas Company, Kinder Morgan Louisiana Pipeline (KMLP), Gulf South Pipeline Company, LP, and Chevron Pipe Line Company, respectively. Magnolia states that it currently is in advanced discussions with KMLP to provide the direct connection to the Magnolia LNG Terminal through which feed gas supplies will flow, and for the compression required to transport the feed gas to the terminal. Magnolia states that, through KMLP, its tolling customers will be able to directly access multiple interstate natural gas pipelines and storage facilities, thus providing a variety of stable and economical supply options.

According to Magnolia, the sources of natural gas will include conventional and unconventional supplies from various regions, including recent shale gas discoveries in Haynesville, Eagle Ford, Barnett, Floyd-Neal/Conasauga, and Marcellus shale plays. Magnolia emphasizes that the size to traditional and emerging natural gas supply sources in close proximity to the Magnolia LNG Terminal will provide Magnolia's customers with diverse and reliable alternative gas supply options.

## Public Interest Considerations

Magnolia contends that the proposed exports from the Liquefaction Project are consistent with the public interest under section 3(a) of the NGA, 15 U.S.C. 717b(a). Magnolia cites the following in support of its position: (1) DOE/FE's two-part LNG Export Study, issued in 2012,[4] (2) data from the U.S. Energy Information Administration's (EIA) Annual Energy Outlook 2013 (AEO 2013),[5] and (3) a study by the Berkeley Research Group (BRG) commissioned by Magnolia to support the Application, as discussed below.

Magnolia further states that, over the last two years, no credible evidence has been presented to support the argument that LNG exports will harm the United States. Rather, according to Magnolia, the Liquefaction Project will create jobs, develop industry, foster continued production of domestic conventional and unconventional natural gas supplies, promote international trade and improve the U.S. balance of trade, and promote strong relationships with strategic international allies. In support of the Application, Magnolia discusses the following:

*BRG Study.* Magnolia states that the BRG Study, attached to Magnolia's Application as Exhibit A, employed a three-pronged analytic approach to assess the potential impacts of long-term LNG exports from the United States and Canada. It also provided a high level assessment of the potential range of long-term impacts on global LNG prices and their differential to U.S. prices. Magnolia states that the findings of the BRG Study support the conclusion that its proposed LNG exports are not inconsistent with the public interest.

*Domestic Need for the Natural Gas To Be Exported.* Citing the LNG Export

[3] The Real Estate Lease Option is attached to Magnolia's Application as Exhibit B.

[4] LNG Export Study, *available at http://energy.gov/fe/services/natural-gas-regulation/lng-export-study.*

[5] U.S. Energy Information Administration, Annual Energy Outlook 2013 with Projections to 2040 (April 2013), *available at http://www.eia.gov/forecasts/aeo/pdf/0383(2013).pdf.*

Study and EIA's AEO 2013, Magnolia contends that the United States has an abundant supply of natural gas that is sufficient to meet domestic demand and to support Magnolia's requested LNG export authorization. According to Magnolia, AEO 2013 shows that domestic natural gas supply as measured by proved natural gas reserves has been increasing, and that EIA projects that U.S. dry natural gas production will increase by 1.3 percent per year through 2040.

Turning to the adequacy of supply as compared to domestic demand for natural gas, Magnolia cites AEO 2013 in stating that U.S. dry natural gas production will exceed consumption by 2019, and that U.S. dry natural gas production alone will exceed total U.S. natural gas consumption by 3.60 trillion cubic feet in 2040. Magnolia cites the BRG Study in stating that the U.S. draw on economic shale production relative to other supply sources, like conventional gas and coal bed methane, could potentially be even higher that the figures provided by EIA. Magnolia also notes that BRG's conclusion—that increased demand for natural gas will be met by increased supply from low cost shale production—is consistent with both EIA's data and DOE/FE's conclusions in recent LNG export orders. Magnolia specifically notes DOE/FE's agreement with the macroeconomic study conducted by NERA Economic Consulting (one of two parts of the LNG Export Study) that there will be net economic benefits to the United States even in the face of unlimited LNG exports.

*Impact on U.S. Natural Gas Demand Market Prices.* Magnolia states that the results of the BRG Study support the conclusion that Magnolia's proposed LNG exports will have a minimal and manageable impact on U.S. natural gas market demand and prices. Specifically, BRG found that the impacts of LNG exports on U.S. natural gas prices and U.S. domestic natural gas demand under all scenarios studied would be minimal. Magnolia also points out that DOE/FE has concluded in recent LNG export orders that LNG exports will not necessarily exacerbate the risk of large upward natural gas prices spikes.

*Domestic Energy Security and International Impacts.* Magnolia states that authorization requested in the Application will have a minimal effect, if any, on domestic energy security. Rather, in Magnolia's view, the proposed LNG exports will promote a more robust global market for natural gas. Magnolia further states that the proposed exports, if authorized, will be consistent with President Obama's National Export Initiative (NEI), as established by Executive Order on March 11, 2010, and will support other important federal policies.

*Economic Benefits.* Magnolia maintains that the Liquefaction Project will stimulate the local, regional, and national economies through the direct and indirect creation of new jobs, increased economic activity, and tax revenues. In particular, Magnolia asserts that it will use U.S. companies to supply much of the equipment and materials required in the construction of the Magnolia LNG Terminal. Magnolia further states that the proposed exports will help balance the U.S. trade deficit, assist U.S. allies by diversifying their supply options, and allow commercial parties a greater opportunity to freely negotiate trade agreements with their counterparties.

Additional details can be found in Magnolia's Application, which is posted on the DOE/FE Web site at: *http://www.fossil.energy.gov/programs/gasregulation/authorizations/2013_applications/13_132_lng_nfta.pdf.*

**Environmental Impact**

Magnolia states that, on March 20, 2013, the Federal Energy Regulatory Commission (FERC) accepted Magnolia's request to commence FERC's pre-filing process. Magnolia states that, consistent with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* FERC will act as the lead agency for the environmental review, with DOE acting as a cooperating agency. Magnolia states that it will also seek any necessary permits from other federal, state, and local agencies, as well as conduct any necessary consultations.

**DOE/FE Evaluation**

The Application will be reviewed pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a), and DOE will consider any issues required by law or policy. To the extent determined to be relevant, these issues will include the domestic need for the natural gas proposed to be exported, the adequacy of domestic natural gas supply, U.S. energy security, and the cumulative impact of the requested authorization and any other LNG export application(s) previously approved on domestic natural gas supply and demand fundamentals. DOE may also consider other factors bearing on the public interest, including the impact of the proposed exports on the U.S. economy (including GDP, consumers, and industry), job creation, the U.S. balance of trade, and international considerations; and whether the authorization is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this Application should address these issues in their comments and/or protests, as well as other issues deemed relevant to the Application.

NEPA requires DOE to give appropriate consideration to the environmental effects of its decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Due to the complexity of the issues raised by the Applicant, interested persons will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention, or motions for additional procedures.

**Public Comment Procedures**

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention, as applicable. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR Part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov* with FE Docket No. 13–132–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 13–132–LNG. *Please Note:* If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure

that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision, and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Division of Natural Gas Regulatory Acitivities docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Issued in Washington, DC, on March 18, 2014.

**John A. Anderson,**

*Director, Division of Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.*

[FR Doc. 2014–06353 Filed 3–21–14; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF EDUCATION

### President's Advisory Commission on Educational Excellence for Hispanics

**AGENCY:** White House Initiative on Educational Excellence for Hispanics, Department of Education.

**ACTION:** Notice of an open meeting.

**SUMMARY:** This notice sets forth the schedule and agenda of the eighth meeting of the President's Advisory Commission on Educational Excellence for Hispanics. The notice also describes the functions of the Commission. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and intended to notify the public of its opportunity to attend.

**DATES:** Tuesday, April 1, 2014.

**TIME:** 9 a.m.–4 p.m. Eastern Standard Time.

**ADDRESSES:** Chapman Conference Center, Room 3210, Miami Dade College, 300 Northeast 2nd Avenue, Miami, FL 33132.

**FOR FURTHER INFORMATION CONTACT:** Emmanuel Caudillo, Special Advisor, White House Initiative on Educational Excellence for Hispanics, 400 Maryland Ave. SW., Room 4W108, Washington, DC 20202; telephone: 202–401–1411.

**SUPPLEMENTARY INFORMATION:** The President's Advisory Commission on Educational Excellence for Hispanics (the Commission) is established by Executive Order 13555 (Oct. 19, 2010; reestablished December 12, 2012). The Commission is governed by the provisions of the Federal Advisory Committee Act (FACA), (Pub. L. 92–463; as amended, 5 U.S.C.A., Appendix 2) which sets forth standards for the formation and use of advisory committees. The purpose of the Commission is to advise the President and the Secretary of Education on all matters pertaining to the education attainment of the Hispanic community.

The Commission shall advise the President and the Secretary in the following areas: (i) Developing, implementing, and coordinating educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for Hispanics of all ages; (ii) increasing the participation of the Hispanic community and Hispanic-Serving Institutions in the Department's programs and in education programs at other agencies; (iii) engaging the philanthropic, business, nonprofit, and education communities in a national dialogue regarding the mission and objectives of this order; (iv) establishing partnerships with public, private, philanthropic, and nonprofit stakeholders to meet the mission and policy objectives of this order.

**Agenda**

The Commission will provide updates to its activities and engagement efforts on key priorities, and hold breakout sessions with the established subcommittees: Early Learning; K–12; and Higher Education.

Individuals who will need accommodations in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify Emmanuel Caudillo, Special Advisor, White House Initiative on Educational Excellence for Hispanics at 202–401–1411, no later than Tuesday, March 25, 2014. We will attempt to meet requests for such accommodations after this date, but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

Individuals who wish to attend the Commission meeting must RSVP by 12 noon EST, Friday, March 28, 2014, to *WHIEEH@ed.gov*.

An opportunity for public comment will be available on Tuesday, April 1, 2014, from 10 a.m. to 4 p.m., EST. Individuals who wish to provide comments will be allowed three minutes to speak. Those members of the public interested in submitting written comments may do so by submitting them to the attention of Emmanuel Caudillo, White House Initiative on Educational Excellence for Hispanics, U.S. Department of Education, 400 Maryland Ave. SW., Room 4W108, Washington, DC 20202, by Friday, March 28, 2014 or via email at *WHIEEH@ed.gov*.

Records are kept of all Commission proceedings and are available for public inspection at the office of the White House Initiative on Educational Excellence for Hispanics, U.S. Department of Education, 400 Maryland Ave. SW., Room 4W108, Washington, DC 20202, Monday through Friday (excluding federal holidays) during the hours of 9 a.m. to 5 p.m.

Electronic Access to the Document: You may view this document, as well as all other documents of this Department

published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at: *www.ed.gov/fedregister/index.html.* To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. For questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800; or in the Washington, DC area at 202–512–1800.

**Jamienne Studley,**

*Acting Under Secretary, U.S. Department of Education.*

[FR Doc. 2014–06320 Filed 3–21–14; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Bonneville Power Administration

### Agency Information Collection Activities: Proposed Collection; Comment Request; Environmental Vendor Survey

**AGENCY:** Bonneville Power Administration (BPA), DOE.

**ACTION:** 60-Day notice of submission of information collection approval from the Office of Management and Budget (OMB) and request for comments.

**SUMMARY:** BPA is submitting to OMB for clearance, a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection will allow BPA to gather information from potential vendors on the environmental services and capabilities they can provide to support activities ensuring environmental compliance for BPA programs and projects in fulfillment of its commitment to stewardship of the Northwest region's natural and cultural resources. The services and capabilities information will help BPA in identifying contracting opportunities for those vendors with the services, skills and capabilities necessary to assist BPA in implementing environmental analysis and documentation in compliance with federal environmental laws.

**DATES:** Comments must be submitted by May 23, 2014.

**ADDRESSES:** Written comments may be submitted to: DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** To request additional information: Information Collection Clearance Officer, Christopher M. Frost, Governance and Internal Controls, DGC–7, Bonneville Power Administration, 905 NE. 11th Avenue, Portland, Oregon 97232.

**SUPPLEMENTARY INFORMATION:** This information collection request contains:

(1) *OMB Number:* New.

(2) *Information Collection Request Title:* Environmental Vendor Survey.

(3) *Type of Request:* New.

(4) *Abstract:* The vendor survey collection will be used to gather information including services provided, experience, capabilities and location from vendors for the purpose of future contracting opportunities.

Below we provide the BPA projected average estimates for the next three years:

*Affected Public:* Businesses and Organizations.

*Annual Estimated Number of Respondents:* 100.

*Annual Estimated Number of Total Responses:* 100.

*Average Minutes per Response:* 15.

*Annual Estimated Number of Burden Hours:* 25.

*Annual Estimated Reporting and Recordkeeping Cost Burden:* $0.

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 Office of Management and Budget control number.

Issued in Portland, Oregon, on March 17, 2014.

**Damian J. Kelly,**

*Acting Chief Compliance Officer, Agency Governance and Compliance.*

[FR Doc. 2014–06355 Filed 3–21–14; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2192–041]**

### Consolidated Water Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Change in Land Rights.

b. *Project No:* 2192–041.

c. *Date Filed:* January 29, 2014.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Biron Hydroelectric Project.

f. *Location:* Wisconsin River in Wood and Portage Counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Thomas J. Witt, 610 High Street, P.O. Box 8050, Wisconsin Rapids, WI 54495–8050, (715) 422–3927.

i. *FERC Contact:* Jon Cofrancesco at (202) 502–8951, or email: *jon.cofrancesco@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* April 14, 2014.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2192–041) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Consolidated Water Power Company (licensee) requests Commission approval to transfer certain interests in licensee-owned lands within the project boundary to New Page Wisconsin System, Inc. (New Page) to memorialize historic uses of the property by a paper company, currently owned by New Page, for continued use of the property by existing paper mill facilities and operations. The application would separate and more precisely delineate the licensee's hydropower and utility assets from New Page's paper mill

assets. The proposed change in land rights does not involve any changes in project facilities, operations, or project boundaries.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–2192) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 14, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06315 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2110–031]**

### Consolidated Water Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Change in Land Rights.

b. *Project No:* 2110–031.

c. *Date Filed:* January 29, 2014.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Stevens Point Hydroelectric Project.

f. *Location:* Wisconsin River in Portage County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Thomas J. Witt, 610 High Street P.O. Box 8050, Wisconsin Rapids, WI 54495–8050, (715) 422–3927.

i. *FERC Contact:* Jon Cofrancesco at (202) 502–8951, or email: *jon.cofrancesco@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* April 14, 2014.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2110–031) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Consolidated Water Power Company (licensee) requests Commission approval to transfer certain interests in licensee-owned lands within the project boundary to New Page Wisconsin System, Inc. (New Page) to memorialize historic uses of the property by a paper company, currently owned by New Page, for continued use of the property by existing paper mill facilities and operations. The application would separate and more precisely delineate the licensee's hydropower and utility assets from New Page's paper mill assets. The proposed change in land rights does not involve any changes in project facilities, operations, or project boundaries. In addition to the proposed change in land rights for the existing uses, the licensee proposes to grant an easement to New Page for a single, future water intake structure. This new proposed use will be considered by the Commission under a separate proceeding.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–2110) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov*, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h)

above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 14, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06314 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2256–071]**

### Consolidated Water Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Change in Land Rights.

b. *Project No:* 2256–071.

c. *Date Filed:* January 29, 2014.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Wisconsin Rapids Hydroelectric Project.

f. *Location:* Wisconsin River in Wood County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Thomas J. Witt, 610 High Street, P.O. Box 8050, Wisconsin Rapids, WI 54495–8050, (715) 422–3927.

i. *FERC Contact:* Jon Cofrancesco at (202) 502–8951, or email: *jon.cofrancesco@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* April 14, 2014.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2256–071) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Consolidated Water Power Company (licensee) requests Commission approval to transfer certain interests in licensee-owned lands within the project boundary to New Page Wisconsin System, Inc. (New Page) to memorialize historic uses of the property by a paper company, currently owned by New Page, for continued use of the property by existing paper mill facilities and operations. The application would separate and more precisely delineate the licensee's hydropower and utility assets from New Page's paper mill assets. The proposed change in land rights does not involve any changes in project facilities, operations, or project boundaries.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–2256) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person

commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 14, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06310 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[ Docket Nos. CP14–96–000; PF13–16–000]**

### Algonquin Gas Transmission, LLC; Notice of Application

Take notice that on February 28, 2014, Algonquin Gas Transmission, LLC (Algonquin), 5400 Westheimer Court, Houston, Texas 77056, filed in the above referenced docket an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) for the proposed Algonquin Incremental Market Project (AIM Project). Specifically, Algonquin requests authorization to: (i) construct, install, operate, and maintain approximately 37.6 miles of take-up and relay, loop, and lateral pipeline facilities, and appurtenances in New York, Connecticut, and Massachusetts; (ii) modify six existing compressor stations in New York, Connecticut, and Rhode Island, resulting in the addition of 81,620 horsepower (HP) of compression; (iii) modify 24 existing metering and regulating (M&R) stations and construct three new M&R stations; (iv) abandon certain existing facilities; and (v) approval of the pro forma tariff records to establish the incremental AIM Project firm transportation rate, an incremental fuel percentage applicable to service on the AIM Project, and the initial recourse rates for service on the West Roxbury Lateral (which is part of the proposed AIM Project, but has separate rate schedules). Algonquin states that the AIM Project will provide a total of 342,000 dekatherms per day of firm transportation service. Algonquin estimates the cost of the AIM Project to be approximately $971,551,683, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site 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@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Berk Donaldson, Director, Rates and Certificates, Algonquin Gas Transmission, LLC, PO Box 1642, Houston, Texas 77251–1642, by telephone at (713) 627–4488 or by facsimile at (713) 627–5947.

On June 28, 2013, the Commission staff granted Algonquin's request to utilize the Pre-Filing Process and assigned Docket No. PF13–16–000 to staff activities involved in the AIM Project. Now, as of the filing of the February 28, 2014 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP14–96–000, as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the 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 seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. 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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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.

The Commission strongly encourages electronic filings of comments, 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 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

*Comment Date:* April 8, 2014.

Dated: March 18, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06344 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. CP14–101–000; PF13–17–000]**

### City of Clarksville, Tennessee; Notice of Application

Take notice that on March 7, 2014, City of Clarksville, Tennessee (Clarksville), filed an application pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's Regulations, for a limited jurisdiction certificate authorizing Clarksville to construct and operate a 20.8-mile, 12-inch diameter pipeline connecting with the interstate pipeline facilities of Texas Gas Transmission, LLC (Texas Gas) located in Elkton, Kentucky. Clarksville also requests for waivers of the Part 284 open access transportation regulatory requirements regarding the proposed pipeline, but does seek a blanket certificate authorization under Subpart F of Part 157 for construction and operation of subsequent qualifying facilities. 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 Joshua L. Menter, McCarter & English, LLP., 1015 15th Street NW., 12th Floor, Washington, DC 20005. Telephone (202) 296–2960 and email: *jmenter@mccarter.com.*

Clarksville is a public municipality under the laws of State of Tennessee and currently owns and operates a municipal distribution system providing natural gas service to approximately 24,500 customers in and around the City of Clarksville, Tennessee. The proposed pipeline is designed to transport 52,000 Mcf/day for the sole purpose of providing access to additional natural gas sources to serve Clarksville's retail distribution system. The cost of the proposed facilities is approximately $19.6 million. Clarksville proposes an in-service date of October 1, 2015.

On August 26, 2013, the Commission staff granted Clarksville's request to use the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF13–17–000 to staff activities involving the proposed facilities. Now, as of the filing of this application on March 7, 2014, the NEPA Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP14–101–000, as noted in the caption of this Notice.

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:* April 8, 2014.

Dated: March 18, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06346 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2590–059]**

### Consolidated Water Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Change in Land Rights.

b. *Project No:* 2590–059.

c. *Date Filed:* January 29, 2014.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Whiting Hydroelectric Project.

f. *Location:* Wisconsin River in Portage County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Thomas J. Witt, 610 High Street, P.O. Box 8050, Wisconsin Rapids, WI 54495–8050, (715) 422–3927.

i. *FERC Contact:* Jon Cofrancesco at (202) 502–8951, or email: *jon.cofrancesco@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* April 14, 2014.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2590–059) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Consolidated Water Power Company (licensee) requests Commission approval to transfer certain interests in licensee-owned lands within the project boundary to New Page Wisconsin System, Inc. (New Page) to memorialize historic uses of the property by a paper company, currently owned by New Page, for continued use of the property by existing paper mill facilities and operations. The application would separate and more precisely delineate the licensee's hydropower and utility assets from New Page's paper mill assets. The proposed change in land rights does not involve any changes in project facilities, operations, or project boundaries.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–2590) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 14, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06311 Filed 3–21–14; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. CP12–509–000; CP12–29–000]**

### Freeport LNG Development, L.P.; FLNG Liquefaction LLC; FLNG Liquefaction 2, LLC; FLNG Liquefaction 3, LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Phase II Modification and Liquefaction Projects

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Freeport LNG Phase II Modification Project and the Liquefaction Project (Projects) proposed by Freeport LNG Development, L.P., FLNG Liquefaction LLC, FLNG Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC (collectively referred to as Freeport LNG) in the above-referenced dockets. Freeport LNG requests authorization to export up to 13.2 million tons of liquefied natural gas (LNG) per year from its proposed Liquefaction Plant and associated facilities in Brazoria County, Texas and modify its previously approved Phase II Project facilities within the town of Quintana.

The draft EIS assesses the potential environmental effects of the construction and operation of the Projects in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the Projects would have some adverse impacts; however, most of these impacts would be reduced to less than significant levels with the implementation of Freeport LNG's proposed mitigation and the additional measures recommended by the FERC staff in the draft EIS.

The United States Department of Energy (USDOE), United States

Environmental Protection Agency (USEPA), United States Department of Transportation (USDOT), the United States Army Corps of Engineers (USACE), and the National Oceanic Atmospheric Administration (NOAA) Fisheries participated as cooperating agencies in the preparation of the draft EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The USACE, USEPA, and USDOE can adopt and use the EIS to support their respective permit decisions after an independent review of the document. The USDOT and NOAA Fisheries cooperated in the preparation of this draft EIS because of their special expertise with respect to resources potentially affected by the proposal. Although the cooperating agencies provided input on the conclusions and recommendations presented in the draft EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision or other determinations for the Projects.

The proposed Phase II Modification Project includes modification to the previously authorized LNG vessel berthing dock, LNG transfer pipelines, LNG unloading arms, and the access road system and would eliminate or modify components of the previously authorized facility.

The Liquefaction Project consists of facilities at and adjacent to the existing LNG terminal and facilities located beyond Quintana Island. The Liquefaction Plant, located at and adjacent to the existing LNG terminal, would consist of three propane pre-cooled mixed refrigerant liquefaction trains, each capable of producing a nominal 4.4 million metric tons per annum of LNG for export, which equates to a total liquefaction capacity of approximately 1.8 billion cubic feet per day of natural gas.

To support the Liquefaction Plant, Freeport LNG proposes to construct a natural gas Pretreatment Plant located about 2.5 miles north of the existing Quintana Island Terminal. The Pretreatment Plant would process the gas for liquefaction. In addition several interconnecting pipelines and utility lines including a five-mile-long, 12-inch diameter boil-off gas feed pipeline from the Quintana Island terminal to the Pretreatment Plant (referred together as the Pipeline/Utility Line System). The Liquefaction Plant, the Pretreatment Plant, and the Pipeline/Utility Line System, together with the associated appurtenant structures, are collectively referred to as the Liquefaction Project.

The FERC staff mailed copies of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding. Individuals who requested a paper copy, and those who filed a comment will receive hard copy of the draft EIS, and others on our environmental mailing list will receive a CD version of the draft EIS. In addition, the draft EIS is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the draft EIS may do so. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before May 5, 2014.

For your convenience, there are four methods you can use to submit your comments to the Commission. In all instances, please reference the project docket numbers (CP12–209–000 or CP12–29–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend the public comment meeting its staff will conduct in the project area to receive comments on the draft EIS. We encourage interested groups and individuals to attend and present oral comments on the draft EIS. Transcripts of the meeting will be available for review in eLibrary under the project docket number.

The draft EIS comment meeting will begin at 6:30 p.m. and is scheduled as follows:

| Date | Location |
|---|---|
| Wednesday, April 16, 2014 | Lake Jackson Civic Center, 333 Highway 332 E, Lake Jackson, TX 77566, (979) 415–2600. |

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR Part 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

[1] See the previous discussion on the methods for filing comments.

**Questions?**

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP12–

509, CP12–29). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnline *Support@ferc.gov* or toll free at (866) 208–3676; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Dated: March 14, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06312 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP14–83–000]**

### El Paso Natural Gas Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Line 1000 and 1001 Abandonment Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will address the environmental impacts of the Line 1000 and 1001 Abandonment Project (Project) which would include the abandonment of facilities by El Paso Natural Gas Company, LLC (El Paso) in El Paso and Hudspeth Counties, Texas. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on April 14, 2014.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues need to be evaluated in the EA. Please note that the scoping period will close on April 14, 2014. Further details on how to submit written comments are provided in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern.

#### Summary of the Proposed Project

El Paso proposes to abandon in by sale to DKM Enterprises, LLC (DKM) for salvage about 42 miles of its Jal Lines (Lines 1000 and 1001) consisting of two segments of 16-inch-diameter pipeline between its Cornudas Compressor Station at milepost (MP) 144.5 and its Clint Meter Station at MP 186.5. The two pipeline segments are adjacent to each other, offset by about 10 feet, and within the same permanent right-of-way. Activities El Paso would conduct related to the abandonment include disconnecting each end of the abandoned pipeline segments from its other facilities; and removing one mainline valve, three cathodic protection stations, and about 338 feet of station piping at the Cornudas Compressor Station. DKM would salvage the two 42-mile-long pipeline segments and aboveground ancillary facilities subject to the terms of its purchase and sales agreement with El Paso and applicable regulations and permits. El Paso states that the easements associated with the abandoned pipelines would revert to the landowners.

The general location of the project facilities is shown in appendix 1.[1]

#### Land Requirements for Abandonment

El Paso proposes abandoning these facilities by sale to DKM. It states that all of its abandonment and DKM's salvage activities would be conducted within El Paso's existing right-of-way, and that no additional workspaces for access or storage of materials or equipment would be needed. Therefore, there would be no new land requirements.

#### The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- cumulative resources.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through the Commission's eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency

Continued

would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

**Consultations Under Section 106 of the National Historic Preservation Act**

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

**Public Participation**

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before April 14, 2014.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP14–83–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

**Environmental Mailing List**

The environmental mailing list federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

**Becoming an Intervenor**

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

**Additional Information**

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP14–83–000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: March 14, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06313 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. TX14–1–000]**

### Consolidated Edison Company of New York, Inc.; Notice of Filing

Take notice that on March 18, 2014, pursuant to sections 202(b) and 210 of the Federal Power Act, 16 U.S.C. 824a (b) and 824i and Rule 207 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure 18 CFR 385.207, Consolidated Edison Company of New York, Inc. (Con Edison) filed an

application for an order directing Cogen Technologies Linden Venture, L.P. to modify the physical connection that currently exists between its transmission facilities and those of Con Edison.

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 online 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 April 17, 2014.

Dated: March 18, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06347 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP14–99–000]**

### Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on March 6, 2014, Columbia Gas Transmission, LLC, (Columbia), 5151 San Felipe, Suite 2500, Houston, Texas 77056, filed in Docket No. CP14–99–000, a prior notice request pursuant to sections 157.205, 157.208 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (NGA) as amended, requesting authorization to abandon and construct certain natural gas facilities. Columbia proposes to replace 3.4 miles of 8-inch diameter of the bare steel Line 1655, located north of the interconnection with Line 1804 with new 12-inch diameter coated steel pipeline and appurtenant facilities all located in Adams County, Pennsylvania (Line 1655 Project). Columbia states that the Line 1655 Project will provide an additional 15,700 dekatherms per day of firm transportation service to UGI Utilities, Inc. Columbia asserts that replacing Line 1655 will significantly improve the reliability and safety of this pipeline. Columbia estimates the total cost of the Line 1655 Project to be approximately $17.6 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection. 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Frederic J. George, Senior Counsel, Columbia Gas Transmission, LLC, PO Box 1273, Charleston, West Virginia 25325–1273, by telephone at (304) 357–2359 or by facsimile at (304) 357–3206.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA. Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 commenter's 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 commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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.

Dated: March 18, 2014.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2014–06345 Filed 3–21–14; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2010–0258; FRL 9908–56–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Alternative Affirmative Defense Requirements for Ultra-Low Sulfur Diesel (Renewal)

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel'' (EPA ICR No. 2364.04, OMB Control No. 2060–0639) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through March 31, 2014. Public comments were previously requested via the **Federal Register** (78 FR 78953) on December 27, 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 April 23, 2014.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2010–0258, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-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:** Geanetta Heard, Fuel Compliance Center, 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9017; fax number: 202–565–2085; email address: *heard.geanetta@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

*Abstract:* The highway diesel program regulations require motor vehicle (highway) diesel fuel sold at retail stations to contain 15 parts per million (ppm) of sulfur or less. Under the highway diesel fuel regulations, where a violation of the 15 ppm sulfur standard is identified at a retail outlet, the retailer responsible for dispensing the noncompliant fuel is deemed liable, as well as the refiner(s), importer(s) and distributor(s) of such fuel. The highway diesel regulations further provide, however, that any person deemed liable can rebut this presumption by establishing an affirmative defense that includes, among other things, showing that it conducted a quality assurance sampling and testing program as prescribed by the regulations.

*Form Numbers:* None.

*Respondents/affected entities:* 5.

*Respondent's obligation to respond:* Mandatory.

*Estimated number of respondents:* 5 (total).

*Frequency of response:* On occasion.

*Total estimated burden:* 80 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* $9,200 (per year), which includes $0 annualized capital or operation & maintenance costs.

*Changes in Estimates:* There is a decrease of 240 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. There is no change in the burden per response. Instead, the respondent universe and responses have decreased from 20 to five due to a higher than expected compliance rate. There was in increase in cost to the industry per response of $704 due to more accurate numbers used to calculate the industry burden and to account for inflation.

**Richard T. Westlund,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2014–06234 Filed 3–21–14; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2004–0077; FRL–9908–60–OAP]**

## Proposed Information Collection Request; Comment Request; Significant New Alternatives Policy (SNAP) Program (Renewal); EPA ICR No. 1596.08, OMB Control No. 2060–0226

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Significant New Alternatives Policy (SNAP) Program (40 CFR part 82, subpart G) (Renewal)'' (EPA ICR No. 1596.08, OMB Control No. 2060–0226) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through August 31, 2014. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before May 23, 2014.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2004–0077, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Rebecca von dem Hagen, Environmental Protection Agency, Stratospheric Protection Division, Office of Atmospheric Programs, MC 6205J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9445; fax number: (202) 343–2362;

email address: *vondemhagen.rebecca@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

*Abstract:* Information collected under this rulemaking is necessary to implement the requirements of the Significant New Alternatives Policy (SNAP) program for evaluating and regulating substitutes for ozone-depleting chemicals being phased out under the stratospheric ozone protection provisions of the Clean Air Act (CAA) and globally under the *Montreal Protocol on Substances that Deplete the Ozone Layer.* Under CAA Section 612, EPA is authorized to identify and restrict the use of substitutes for class I and class II ozone-depleting substances where EPA determines other alternatives are available or potentially available that reduce overall risk to human health and the environment. The SNAP program, based on information collected from the manufacturers, formulators, and/or sellers of such substitutes, identifies acceptable substitutes. Responses to the collection of information are mandatory under Section 612 for anyone who sells or, in certain cases, uses substitutes for an ozone-depleting substance after April 18, 1994, the effective date of the final rule. Measures to protect confidentiality of information collected under the SNAP program are based on EPA's confidentiality regulations (40 CFR 2.201 et seq., or Subpart B). Submitters may designate all or portions of their forms or petitions as confidential. EPA requires the submitters to substantiate their claim of confidentiality. Under CAA Section 114(c), emissions information may not be claimed as confidential.

To develop the lists of acceptable and unacceptable substitutes, the Agency must assess and compare ''overall risks to human health and the environment'' posed by use of substitutes in the context of particular applications. EPA requires submission of information covering a wide range of health and environmental factors. These include intrinsic properties such as physical and chemical information, ozone depleting potential, global warming potential, toxicity, and flammability, and use-specific data such as substitute applications, process description, environmental release data, exposure data during use of a substitute, environmental fate and transport, and cost information. Once a completed submission has been received, a 90 day review period under the SNAP program will commence. Any substitute which is a new chemical must also be submitted to the Agency under the Premanufacture Notice program under the Toxic Substances Control Act (TSCA). Alternatives that will be used as sterilants must be filed jointly with EPA's Office of Pesticide Programs and with SNAP.

*Form Numbers:* 1265–07.

*Respondents/affected entities:* Manufacturers, importers, formulators and processors of substitutes for ozone-depleting substances.

*Respondent's obligation to respond:* Mandatory (40 CFR 82.176).

*Estimated number of respondents:* 221 (per year).

*Frequency of response:* Annual.

*Total estimated burden:* 6,683 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* $476,742, which includes $22,281 annualized capital or O&M costs.

*Changes in Estimates:* The Agency anticipates that the total estimated respondent burden will stay substantially the same, or decrease compared with the ICR currently approved by OMB.

The Agency anticipates a slight increase in the number of submissions to the SNAP program as a result of increased efforts to identify and adopt climate-friendly alternatives; however, the Agency also anticipates that the respondent burden for each individual submission will decrease. In recent years, many SNAP submissions have been received for widely-used and well understood chemicals being applied in new uses. One example of this is the submission of propane for us in household refrigerators. Additional work is necessary to ensure the safe use of these chemicals, but new toxicology studies are not required. The Agency expects that trend to continue. Recent listings for a number of substitutes have included use conditions, but these use conditions are consistent with requirements in industry standards and EPA expects such efforts (e.g., equipment testing and marking) to be standard industry practice. The Agency also anticipates a decrease in burden due to fewer respondents keeping records for alternatives that are acceptable subject to narrowed use limits.

Dated: March 12, 2014.

**Sarah Dunham,**

*Director, Office of Atmospheric Programs.*

[FR Doc. 2014–06369 Filed 3–21–14; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9908–40–OCFO]**

## Environmental Financial Advisory Board (EFAB) Charter Renewal

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

**ACTION:** Notice of Charter Renewal.

The Charter for the Environmental Protection Agency's Environmental Financial Advisory Board (EFAB) will be renewed for an additional two-year period, as a necessary committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The purpose of EFAB is to provide advice and recommendations to the Administrator of EPA on issues associated with environmental financing. It is determined that EFAB is in the public interest in connection with

the performance of duties imposed on the Agency by law.

Inquiries may be directed to Vanessa Bowie, Staff Director, Center for Environmental Finance, U.S. EPA, William Jefferson Clinton Federal Building, 1200 Pennsylvania Ave. NW., Washington, DC 20460 (Mailcode 2731A), Telephone (202) 564–5186, or *bowie.vanessa@epa.gov.*

Dated: March 12, 2014.

**David Bloom,**

*Acting Deputy Chief Financial Officer, Office of the Chief Financial Officer.*

[FR Doc. 2014–06374 Filed 3–21–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OA–2014–0112; FRL–9908–61–OD]**

## National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

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

**ACTION:** Notice of Advisory Committee Meeting.

**SUMMARY:** Under the Federal Advisory Committee Act, Public Law 92–463, Environmental Protection Agency (EPA) gives notice of a meeting of the National Advisory Committee (NAC) and Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC). The National and Governmental Advisory Committees advise the EPA Administrator in her capacity as the U.S. Representative to the CEC Council. The committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC), North American Free Trade Agreement Implementation Act, Public Law 103–182, and as directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The NAC is composed of 15 members representing academia, environmental non-governmental organizations, and private industry. The GAC consists of 14 members representing state, local, and Tribal governments. The committees are responsible for providing advice to the U.S. Representative on a wide range of strategic, scientific, technological, regulatory, and economic issues related to implementation and further elaboration of the NAAEC.

The purpose of the meeting is to provide advice on issues related to the 20th Anniversary of the North American Agreement on Environmental Cooperation and discuss other trade and environment issues. The meeting will also include a public comment session. The agenda and meeting materials will be available at *http://www.regulations.gov* under Docket ID: EPA–HQ–OA–2014–0112. General information about NAC and GAC can be found at *http://www.epa.gov/ofacmo/nacgac-page.htm.*

**DATES:** The National and Governmental Advisory Committees will hold an open meeting on Thursday, April 10, 2014, from 9:00 a.m. to 5:00 p.m., and Friday, April 11, 2014, from 9:00 a.m. until 3:00 p.m.

**ADDRESSES:** The meeting will be held at the U.S. EPA, Conference Room 2138, located in the William Jefferson Clinton South Building, 1201 Constitution Ave. NW., Washington, DC 20004. Telephone: 202–564–2294. The meeting is open to the public, with limited seating on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Oscar Carrillo, Designated Federal Officer, *carrillo.oscar@epa.gov,* 202–564–0347, U.S. EPA, Office of Diversity, Advisory Committee Management and Outreach (1601–M), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** Requests to make oral comments, or provide written comments to the committees, should be sent to Oscar Carrillo, Designated Federal Officer, at the contact information above. If you plan to attend, please register with Ms. Stephanie McCoy, by April 4th by calling 202–564–2294 or via email at *mccoy.stephanie@epa.gov.* Please provide your name, organization, address and telephone number.

*Meeting Access:* For information on access or services for individuals with disabilities, or to request accommodation of a disability, please contact Oscar Carrillo, at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: March 12, 2014.

**Oscar Carrillo,**

*Designated Federal Officer.*

[FR Doc. 2014–06349 Filed 3–21–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9908–59–OA]**

## National Environmental Education Advisory Council

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

**ACTION:** Notice of meeting.

**SUMMARY:** Under the Federal Advisory Committee Act, Environmental Protection Agency (EPA) gives notice of a meeting of the National Environmental Education Advisory Council (NEEAC). The NEEAC was created by Congress to advise, consult with, and make recommendations to the Administrator of the Environmental Protection Agency (EPA) on matters related to activities, functions and policies of EPA under the National Environmental Education Act (Act). 20 U.S.C. 5508(b). The purpose of these meeting(s) is to discuss specific topics of relevance for consideration by the council in order to provide advice and insights to the Agency on environmental education.

**DATES:** The National Environmental Education Advisory Council will hold public meetings on Thursday April 10th, 2014 and Friday April 11, 2014 from 9:00 a.m. until 5:00 p.m. Mountain Standard Time. The meetings will be held at 1595 Wynkoop Street, Denver, CO 80202 in the Columbine Room.

**FOR FURTHER INFORMATION CONTACT:** Javier Araujo, Designated Federal Officer, *araujo.javier@epa.gov*, 202–564–2642, U.S. EPA, Office of Environmental Education, William Jefferson Clinton North, Room 1426, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** Members of the public wishing to gain access to the meeting, make brief oral comments, or provide a written statement to the NEEAC must contact Javier Araujo, Designated Federal Officer, at *araujo.javier@epa.gov* or 202–564–2642 by 10 business days prior to each regularly scheduled meeting.

Meeting Access: For information on access or services for individuals with disabilities or to request accommodations please contact Javier Araujo at *araujo.javier@epa.gov* or 202–564–2642, preferably at least 10 days prior to the meeting, to give EPA as

much time as possible to process your request.

**Javier Araujo,**

*Designated Federal Officer.*

**Brian Bond,**

*Senior Advisor for Public Engagement, Office of the Administrator.*

[FR Doc. 2014–06363 Filed 3–21–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA-New England Region I—EPA–R01–OW–2014–0202; FRL–9908–62-Region 1]**

## Massachusetts Marine Sanitation Device Standard—Receipt of Petition

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

**ACTION:** Notice—receipt of petition.

**SUMMARY:** Notice is hereby given that a petition has been received from the Commonwealth of Massachusetts requesting a determination by the Regional Administrator, U.S. Environmental Protection Agency, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for coastal waters of the Commonwealth of Massachusetts.

**DATES:** Comments must be submitted by April 23, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R01–OW–2014–0202, by one of the following methods: *www.regulations.gov*, Follow the on-line instructions for submitting comments.

- Email: *rodney.ann@epa.gov.*
- Fax: (617) 918–0538.

*Mail and hand delivery:* U.S. Environmental Protection Agency—New England Region, Five Post Office Square, Suite 100, OEP06–1, Boston, MA 02109–3912. Deliveries are only accepted during the Regional Office's normal hours of operation (8:00 a.m.–5:00 p.m., Monday through Friday, excluding legal holidays), and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–R01–OW–2014–0202. 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 EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, 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 U.S. Environmental Protection Agency—New England Region, Five Post Office Square, Suite 100, OEP06–01, Boston, MA 02109–3912. Such deliveries are only accepted during the Regional Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office is open from 8:00 a.m.–5:00 p.m., Monday through Friday, excluding legal holidays. The telephone number is (617) 918–1538.

**FOR FURTHER INFORMATION CONTACT:** Ann Rodney, U.S. Environmental Protection Agency—New England Region, Five Post Office Square, Suite 100, OEP06–01, Boston, MA 02109–3912. Telephone: (617) 918–1538, Fax number: (617) 918–0538; email address: *rodney.ann@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that a petition has been received from the Commonwealth of Massachusetts requesting a determination by the Regional Administrator, U.S. Environmental Protection Agency, pursuant to Section 312 of Public Law 92–500 as amended by Public Law 95–217 and Public Law 100–4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for all coastal waters of the Commonwealth of Massachusetts.

The majority of Massachusetts waters have already been designated as ''no discharge'' for boat sewage. This petition covers three areas: a strip near the state-federal boundary spanning from Manchester-By-The-Sea to Marshfield, a corridor in Vineyard Sound, and a corridor in Nantucket Sound. The state wide NDA will seamlessly integrate the 20 smaller NDAs that have been designated in Massachusetts since 1991, while also incorporating the remaining undesignated coastal waters into the statewide prohibition on boat sewage disposal. The boundaries for this statewide NDA encompass all Commonwealth of Massachusetts coastal waters: from mean low water along the coast of Massachusetts, seaward to the state-federal boundary, north to the border with New Hampshire, and south to the border with Rhode Island: *http://www.mass.gov/eea/agencies/czm/program-areas/coastal-water-quality/ndas/).*

Previous NDA designations included estimates of the number of boats and number of Marine Sanitation Devices (MSDs) in each region of interest. Based upon the figures provided in each of the applications, there are an estimated 23,080 vessels with MSDs using Massachusetts coastal waters. There are approximately 64 marinas, roughly 25,000 permitted public slips, and moorings. Massachusetts has certified that there are a total of 132 pumpout facilities in coastal Massachusetts: *http://www.mass.gov/eea/agencies/czm/program-areas/coastal-water-quality/clean-boating/pumpout-list.html.*

Boat owners spend close to $200 million per year on new boats, engines, trailers, and accessories. Massachusetts has over 500 bathing beaches covering over 727 miles of sandy coastline. The shellfish habitat supports hundreds of commercial shellfishermen with a landings value of over $27 million. Coastal tourism and recreation employs over 125,000 individuals in Massachusetts and generates over $14 billion.

Notice is hereby given that a petition has been received from the Commonwealth of Massachusetts requesting a determination by the Regional Administrator, U.S. Environmental Protection Agency, that adequate facilities for the safe and

sanitary removal and treatment of sewage from all vessels are reasonably available for the state coastal waters of the Commonwealth of Massachusetts.

Dated: March 10, 2014.

**H. Curtis Spalding,**

*Regional Administrator, New England Region.*

[FR Doc. 2014–06381 Filed 3–21–14; 8:45 am]

**BILLING CODE 6560–50–P**

## FARM CREDIT SYSTEM INSURANCE CORPORATION

### Farm Credit System Insurance Corporation Board; Regular Meeting

**AGENCY:** Farm Credit System Insurance Corporation Board.

**SUMMARY:** Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

**DATE AND TIME:** The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 27, 2014, from 9:00 a.m. until such time as the Board concludes its business.

**FOR FURTHER INFORMATION CONTACT:** Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

**ADDRESSES:** Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

**SUPPLEMENTARY INFORMATION:** Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, at (703) 883–4009. The matters to be considered at the meeting are:

**Open Session**

*A. Approval of Minutes*

- January 23, 2014

*B. Business Reports*

- FCSIC Financial Reports
- Report on Insured and Other Obligations
- Report on Investment Portfolio
- Quarterly Report on Annual Performance Plan

*C. New Business*

- Presentation of 2013 Audit Results by External Auditor

**Closed Session**

- FCSIC Report on System Performance

**Executive Session**

- Executive Session of the FCSIC Board Audit Committee with the External Auditor

Dated: March 16, 2014.

**Dale L. Aultman,**

*Secretary, Farm Credit System Insurance Corporation Board.*

[FR Doc. 2014–06298 Filed 3–21–14; 8:45 am]

**BILLING CODE 6710–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

**AGENCY:** Federal Communications Commission (FCC).

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

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB Control Number.

**DATES:** Written PRA comments should be submitted on or before April 23, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov.* To submit your PRA comments by email, send them to: *PRA@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), at 202–418–0217, or via the Internet at: *Leslie.Smith@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** *OMB Control Number:* 3060–0056.

*Title:* Part 68, Connection of Terminal Equipment to the Telephone Network.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profits.

*Number of Respondents and Responses:* 58,310 respondents; 68,077 responses.

*Estimated Time per Response:* 0.05 hours to 24 hours.

*Frequency of Response:* On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201–205 and 303(r).

*Total Annual Burden:* 21,369 hours.

*Total Annual Cost:* $1,130,000.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* Part 68 rules do not require respondents to provide proprietary, trade secret or other confidential information to the Commission. If the FCC requests that respondents submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to Section 0.459 of the FCC's rules, 47 CFR 0.459.

*Needs and Uses:* The purpose of 47 CFR Part 68 is to protect the telephone network from certain types of harm and

prevent interference to subscribers. To demonstrate that terminal equipment complies with criteria for protecting the network and to ensure that consumers, providers of telecommunications, the Commission and others are able to trace products to the party responsible for placing terminal equipment on the market, it is essential to require manufacturers or other responsible parties to provide the information required by Part 68. In addition, incumbent local exchange carriers must provide the information in Part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

[FR Doc. 2014–06351 Filed 3–21–14; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before May 23, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0291.

*Title:* Section 90.477(a), (b)(2), (d)(2), and (d)(3), Interconnected Systems.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit, not-for-profit institutions and state, local or tribal government.

*Number of Respondents:* 579 respondents; 579 responses.

*Estimated Time per Response:* .25 hours—2 hours.

*Frequency of Response:* On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 332(a).

*Total Annual Burden:* 191 hours.

*Total Annual Cost:* None.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Needs and Uses:* The rule sections that govern interconnection of private land mobile radio service stations with the public switched telephone network are as follows:

(1) Pursuant to 47 CFR 90.477(a), licensees of interconnected land stations must maintain as part of their station records a detailed description of how interconnection is accomplished.

(2) Pursuant to 47 CFR 90.477(b)(2) and (d)(2), at least one licensee participating in any cost sharing arrangement for telephone service must maintain cost sharing records, the costs must be distributed at least once a year, and a report of the distribution must be placed in the licensee's station records and made available to participants in the sharing arrangement and the Commission upon request.

(3) Pursuant to 47 CFR 90.477(d)(3), licensees in the Industrial/Business Pool and those licensees who establish eligibility pursuant to 90.20(a)(2), other than persons or organizations charged with specific fire protection activities, persons or organizations charged with specific forestry-conservation activities, or medical emergency systems in the 450–470 MHz band, and who seek to connect within 120 km (75 miles) of 25 cities specified in 90.477(d)(3), must obtain the consent of all co-channel licensees located both within 120 km of the center of the city, and with 120 km of the interconnected base station transmitter. Consensual agreements must specifically state the terms agreed upon and a statement must be submitted to the Commission indicating that all co-channel licensees have consented to the use of interconnection.

In a December 1998 Report and Order in WT Docket Nos. 98–20 and 96–188, the Commission consolidated, revised and streamlined the Commission's rules governing the licensing application procedures for radio services licensed by the Commission's Wireless Telecommunications Bureau in order to fully implement the Universal Licensing System (ULS). As a result of the ULS rule conversions in connection with this information collection, 47 CFR 90.477(a), interconnected systems now file all information (100 percent) electronically via ULS. Pursuant to 47 CFR 90.477(d)(3), interconnected systems were changed to reflect NAD83 coordinates.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

[FR Doc. 2014–06350 Filed 3–21–14; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL RESERVE SYSTEM

### Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

**AGENCY:** Board of Governors of the Federal Reserve System.

**SUMMARY:** Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, pursuant to 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork

Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statement and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

**FOR FURTHER INFORMATION CONTACT:** Federal Reserve Board Clearance Officer—Cynthia Ayouch—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW.,Washington, DC 20503.

**Final Approval Under OMB Delegated Authority to Revise the Following Report**

*Report Title:* Capital Assessments and Stress Testing information collection.

*Agency Form Number:* FR Y–14A/Q/M.

*OMB Control Number:* 7100–0341.

*Effective Dates:* FR Y–14Q, March 31, 2014; FR Y–14M June 30, 2014.

*Frequency:* Annually, semi-annually, quarterly, and monthly.

*Reporters:* Large banking organizations that meet an annual threshold of $50 billion or more in total consolidated assets (large Bank Holding Companies or large BHCs), as defined by the Capital Plan rule (12 CFR 225.8).[1]

*Estimated Annual Reporting Hours:* Summary, 61,680 hours; Macro scenario, 1,860 hours; Counterparty credit risk (CCR), 2,520 hours; Basel III/Dodd-Frank, 660 hours; and Regulatory capital, 600 hours. FR Y–14Q: Securities risk, 1,200 hours; Retail risk, 1,920 hours; Pre-provision net revenue (PPNR), 85,320 hours; Wholesale corporate loans, 6,720 hours; Wholesale commercial real estate (CRE) loans, 6,480 hours; Trading risk, 46,224 hours; Basel III/Dodd-Frank, 2,640 hours; Regulatory capital, 4,800 hours; Operational risk, 3,360 hours; Mortgage Servicing Rights (MSR) Valuation, 864 hours; Supplemental, 960 hours; and Retail Fair Value Option/Held for Sale (Retail FVO/HFS), 1,216 hours. FR Y–14M: Retail 1st lien mortgage, 153,000 hours; Retail home equity, 146,880 hours; and Retail credit card, 91,800 hours. FR Y–14 On-Going Automation for existing respondents: 9,120 hours.

*Estimated Average Hours per Response:* FR Y–14A: Summary, 1,028 hours; Macro scenario, 31 hours; CCR, 420 hours; Basel III/Dodd-Frank, 22 hours; and Regulatory capital, 20 hours. FR Y–14Q: Securities risk, 10 hours; Retail risk, 16 hours; PPNR, 711 hours; Wholesale corporate loans, 60 hours; Wholesale CRE loans, 60 hours; Trading risk, 1,926 hours; Basel III/Dodd-Frank, 22 hours; Regulatory capital, 40 hours; Operational risk, 28 hours, MSR Valuation, 24 hours; Supplemental, 8 hours; and Retail FVO/HFS, 16 hours. FR Y–14M: Retail 1st lien mortgage, 510 hours; Retail home equity, 510 hours; and Retail credit card, 510 hours. FR Y–14, On-going revisions for existing respondents, 480 hours.

*Number of Respondents:* 30.

*General Description of Report:* The FR Y–14 series of reports are authorized by section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act), which requires the Federal Reserve to ensure that certain BHCs and nonbank financial companies supervised by the Federal Reserve are subject to enhanced risk based and leverage standards in order to mitigate risks to the financial stability of the United States (12 U.S.C. 5365). Additionally, section 5 of the BHC Act authorizes the Board to issue regulations and conduct information collections with regard to the supervision of BHCs (12 U.S.C. 1844).

As these data are collected as part of the supervisory process, they are subject to confidential treatment under exemption 8 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(8)). In addition, commercial and financial information contained in these information collections may be exempt from disclosure under exemption 4 of FOIA (5 U.S.C. 552(b)(4)). Such exemptions would be made on a case-by-case basis.

*Abstract:* The data collected through the FR Y–14A/Q/M schedules provide the Federal Reserve with the additional information and perspective needed to help ensure that large BHCs have strong, firm-wide risk measurement and management processes supporting their internal assessments of capital adequacy and that their capital resources are sufficient given their business focus, activities, and resulting risk exposures. The annual Comprehensive Capital Analysis and Review (CCAR) exercise is also complemented by other Federal Reserve supervisory efforts aimed at enhancing the continued viability of large BHCs, including continuous monitoring of BHCs' planning and management of liquidity and funding resources and regular assessments of credit, market and operational risks, and associated risk management practices. Information gathered in this data collection is also used in the supervision and regulation of these financial institutions. In order to fully evaluate the data submissions, the Federal Reserve may conduct follow up discussions with or request responses to follow up questions from respondents, as needed.

The semi-annual FR Y–14A collects large BHCs' quantitative projections of balance sheet, income, losses, and capital across a range of macroeconomic scenarios and qualitative information on methodologies used to develop internal projections of capital across scenarios.[2] The quarterly FR Y–14Q collects granular data on BHCs' various asset classes and PPNR for the reporting period. The monthly FR Y–14M comprises three loan- and portfolio-level collections, and one detailed address matching collection to supplement two of the portfolio and loan-level collections. The FR Y–14Q and the FR Y–14M are used to support supervisory stress test models and for continuous monitoring efforts.

*Current Actions:* On September 30, 2013, the Federal Reserve published a final **Federal Register** notice (78 FR 59934) implementing numerous changes to the FR Y–14A/Q/M and extending the public comment period by 60 days regarding credit score data currently reported on the FR Y–14M and FR Y–14Q. The comment period expired on November 29, 2013. The Federal Reserve did not receive any comments or feedback on this notice.

**Overview of Final Revisions**

In June 2013, the Federal Reserve proposed numerous changes to the FR Y–14A/Q/M, mostly related to the revised capital framework. During the initial public comment period, several commenters noted that the instructions to several schedules specifically reference Fair Isaac Corporation (FICO) scores, which could be considered an

[1] The Capital Plan rule applies to every top-tier large BHC. This asset threshold is consistent with the threshold established by section 165 of the Dodd-Frank Act relating to enhanced supervision and prudential standards for certain BHCs.

[2] BHCs that must re-submit their capital plan generally also must provide a revised FR Y–14A in connection with their resubmission.

endorsement of FICO and its products. These commenters further suggested that respondents should be given the option to report credit scores other than the FICO score.

While the Federal Reserve finalized most of the revisions in September 2013, the Federal Reserve extended the public comment period to address industry concerns regarding credit score-related data items. In addition, the Federal Reserve removed the FICO score reporting requirement from the FR Y–14Q/M, effective December 31, 2013 and October 31, 2013, respectively. As an interim solution, respondents were given an option to continue reporting credit score segments and data items as in prior submissions, or to submit alternative ''industry standard'' credit scores. Supporting documentation was required for alternative scores, including both the vendor and version of the score for all FR Y–14M schedules and, for the FR Y–14M Credit Card schedule, detailed methodology used to map internal scores to ''industry standard'' scores, if applicable.

As mentioned above the Federal Reserve did not receive any comments on the latest **Federal Register** notice. The Federal Reserve is revising the FR Y–14Q/M for credit-score related data items or segments in a manner substantively similar to the interim solution, effective with the March 31, 2014, and June 30, 2014, as of dates respectively. In general, for credit score-related data items or segments, respondents will be required to submit a commercially available credit bureau score. The FR Y–14Q/M instructions will be updated to clearly define that a commercially available credit bureau score must: (1) Be available to all commercial lenders and (2) provide the Federal Reserve with sufficient information regarding the credit score vendor to (a) determine whether the credit score is empirically derived and demonstrably sound, and (b) evaluate the performance of the credit score and compare that performance to other commercially available credit bureau scores. The specific requirements regarding these revisions are discussed in detail below.

**FR Y–14Q**

*International Auto Loan, U.S. Auto Loan, International Credit Card, International Home Equity, International First Lien Mortgage, International Other Consumer, U.S. Other Consumer, International Small Business, U.S. Small Business, and Student Loan Schedules*

For the International Auto Loan, U.S. Auto Loan, International Credit Card, International Home Equity, International First Lien Mortgage, International Other Consumer, U.S. Consumer, International Small Business, U.S. Small Business, and Student Loan schedules, respondents will be required to segment portfolios by the credit score of the borrower at origination, in accordance with the current reporting requirements, using a commercially available credit bureau score. Segments for FICO scores will be provided in the instructions and segments for other scores will be available upon request through the respondent's Federal Reserve Bank Statistics contact. To support the supervisory modeling performed using these data, respondents will be required to submit supporting documentation detailing the type of credit score used to segment the portfolio. This methodology is the same as used in the interim period.

**FR Y–14M**

*Domestic First Lien Closed-end 1–4 Family Residential Loan, Domestic Home Equity Loan and Home Equity Line, and Domestic Credit Card Schedules*

For data items in the Domestic First Lien Closed-end 1–4 Family Residential Loan (First Lien), Domestic Home Equity Loan and Home Equity Line (Home Equity), and Domestic Credit Card (Credit Card) schedules that currently collect Origination Credit Bureau Score and Current/Refreshed Credit Bureau Score, respondents will be required to report a commercially available credit bureau score as defined.

To support the supervisory modeling using these data, two data items will be added to the First Lien and Home Equity schedules for each Origination Credit Bureau Score and Current Credit Bureau Score item, consistent with the supporting documentation required in the interim solution instructions. Specifically, the Credit Bureau Score Vendor data items will be added to collect information on the credit bureau that produced the reported credit score from a list of credit bureaus and an ''Other'' category. Also, the Credit Bureau Score Version data items will be new free form fields that will collect the version [3] of the reported credit score (or, if ''Other'' was selected, the credit score vendor that produced the credit score and the associated version reported).

Also for the First Lien and Home Equity schedules, the Current Credit Bureau Score items, which collect refreshed credit scores, will be changed from optional to mandatory. This item will enhance the Federal Reserve's ability to compare credit scores across time, issuing vendors, and respondents, consistent with the questions posed to the industry in the final **Federal Register**.

In addition, to support supervisory modeling, the Original and Refreshed Credit Score Name/Version items of the Credit Card schedule will be modified and split into two items: (1) Original and Refreshed Credit Bureau Score Vendor and (2) Original and Refreshed Credit Bureau Score Version items. These modified items are consistent with similar items for the First Lien and Home Equity schedules and with supporting documentation required in the interim solution instructions.

Finally, because proprietary scores are used more often for credit cards, two items regarding internal credit scores will be added to the Credit Card schedule for both the origination and refreshed credit score items, consistent with the interim solution: (1) An Internal Refreshed Credit Score Flag item that indicates if an internal score was mapped to a commercially available score; and (2) an Internal Refreshed Credit Score Value item that collects the internal score value used to map to the commercially available score.

Board of Governors of the Federal Reserve System, March 18, 2014.

**Robert deV. Frierson,**

*Secretary of the Board.*

[FR Doc. 2014–06258 Filed 3–21–14; 8:45 am]

BILLING CODE 6210–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

**[Document Identifier: HHS–OS–21138–30D]**

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

**AGENCY:** Office of the Secretary, HHS.

[3] Credit bureaus update the methodology used to generate credit scores. Version refers to which methodology was used to generate the reported credit score.

**ACTION:** Notice.

**SUMMARY:** In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for renewal of the approved information collection assigned OMB control number 0945–0006, scheduled to expire on March 31, 2014. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

**DATES:** Comments on the ICR must be received on or before April 23, 2014.

**ADDRESSES:** Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the document identifier HHS–OS–21138–30D for reference.

*Information Collection Request Title:* The Civil Rights Information Request Form.

*OMB No.:* 0945–0006.

*Abstract:* This request for OMB approval of The Civil Rights Information Request Form is for a 3 year extension. The Civil Rights Information Request Form is designed to collect data from health care providers who have requested certification to participate in the Medicare Part A program. As part of the Medicare certification process, health care facilities must receive a civil rights clearance from the Office for Civil Rights (OCR). OCR uses the information to determine compliance with civil rights statutes and regulations. The civil rights information is requested only when a health care provider applies for Medicare Part A certification; it is *not* necessary on a regular yearly basis. Entities that are affected by the Civil Rights Information Request Form are: Health care providers applying for Medicare certification, and individuals who, as a result of civil rights clearances, should be granted equal access to quality health care, regardless of race, color, national origin, disability, age and sex.

*Need and Proposed Use of the Information:* To ensure adherence to the statutory requirements, compliance reviews are requested when health care providers, such as hospitals, nursing homes and home health agencies, apply to participate in the Medicare Part A program. When a provider seeks Medicare certification, OCR conducts a compliance review to determine whether the provider will be able to comply with Title VI, Section 504, and the Age Discrimination Act. Such reviews are an effective means of working with health care providers because potential civil rights concerns can be identified prior to receipt of Federal financial assistance. The technical assistance available to recipients on the OCR Web site helps providers take steps to comply with their obligations to refrain from prohibited discrimination.

*Likely Respondents:* Healthcare providers.

*Burden Statement:* In conducting a complaint investigation or compliance review of a health care or social service provider, OCR determines whether a compliance review was performed by OCR. In many instances, the procedure decreases the burden on the recipient since the compliance review and corrective actions, as necessary, may reduce or eliminate the need for a formal investigation involving interviews, examination of records, collection and submission of data associated with issues already addressed through a recent compliance review certification process. To further reduce provider burden in completing the compliance review process, OCR has developed several Corporate Agreements with health care corporations. These Agreements are designed to expedite the civil rights compliance review process by implementing a practice whereby all of a corporation's national policies and procedures are reviewed and approved at OCR's headquarters' level. Subsequent to such approval, only local facility-specific information is reviewed by OCR for civil rights compliance during the review process.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

| Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|
| The Civil Rights Information Request Form | 2900 | 1 | 8 | 23,200 |

**Darius Taylor,**

*Deputy, Information Collection Clearance Officer.*

[FR Doc. 2014–06267 Filed 3–21–14; 8:45 am]

**BILLING CODE 4153–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–14–13XA]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

Integrating Community Pharmacists and Clinical Sites for Patient-Centered HIV Care—New—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The CDC has entered into a partnership with Walgreen Company

(a.k.a. Walgreens pharmacies, a national retail pharmacy chain) and the University of North Texas Health Science Center to develop and implement a model of HIV care that integrates community pharmacists with primary medical providers for patient-centered HIV care. The model program will be implemented at ten sites and will provide patient-centered HIV care for approximately 1,000 persons.

The patient-centered HIV care model will include the core elements of pharmacist provided Medication Therapy Management (MTM) as well as additional pharmacist services such as individualized medication adherence counseling, active monitoring of prescription refills and active collaboration between pharmacists and medical clinic providers to identify and resolve medication related treatment problems such as treatment effectiveness, adverse events and poor adherence.

The expected outcomes of the model program are increased retention in HIV care, adherence to HIV medication therapy and HIV viral load suppression.

CDC requests OMB approval to collect standardized information from ten project sites over the three year project period. CDC also requests approval to conduct retrospective data collection during the first year of the three-year project period. This retrospective data collection will be used to determine both project sites' and participants' baseline characteristics which are needed to compare outcomes before and after program implementation.

Pharmacy, laboratory, and medical data will be collected through abstraction of participant clients' pharmacy and medical records. These data are needed to monitor retention in care, adherence to therapy, viral load suppression and other health outcomes. Program specific data, such as the number of MTM elements completed per project site and project sites' characteristics, will be collected by project site personnel.

The data collection will allow CDC to conduct continuous program performance monitoring. Program performance monitoring will allow adjustment of the model program, as needed, in order to develop a final implementation model which can be used to establish similar collaborations in a variety of clinical settings. The data collection will also allow comparison of project outcomes within the project cohort.

There is no cost to participants other than their time. The total estimated annualized burden hours are 5,113.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondent | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) |
|---|---|---|---|---|
| Clinic Data Manager | Project clinic characteristics form | 10 | 3 | 30/60 |
| Pharmacist | Project pharmacy characteristics form | 10 | 3 | 30/60 |
| Clinic Data Manager | Patient Demographic Information form | 10 | 100 | 5/60 |
| Clinic Data Manager | Initial patient information form | 10 | 100 | 1 |
| Clinic Data Manager | Quarterly patient information form | 10 | 400 | 30/60 |
| Pharmacist | Pharmacy record abstraction form | 10 | 400 | 30/60 |

**LeRoy Richardson,**

*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2014–06317 Filed 3–21–14; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2010–N–0627]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Application for Food and Drug Administration Approval To Market a New Drug

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements governing applications for FDA approval to market a new drug.

**DATES:** Submit either written or electronic comments on the collection of information by May 23, 2014.

**ADDRESSES:** Submit electronic comments on the collection of information to: *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA 305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration,1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''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, including each proposed extension of an existing 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 listed below.

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.

**Application for FDA Approval To Market a New Drug—(OMB Control Number 0910–0001)—Extension**

Under section 505(a) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(a)), a new drug may not be commercially marketed in the United States, imported, or exported from the United States, unless an approval of an application filed with FDA under section 505(b) or 505(j) of the act is effective with respect to such drug. Under the FD&C Act, it is the sponsor's responsibility to provide the information needed by FDA to make a scientific and technical determination whether the product is safe and effective for use.

This approval request is for all information collection requirements imposed on applicants by the regulations under part 314 (21 CFR part 314) who apply for approval of a new drug application (NDA) or abbreviated new drug application (ANDA) in order to market or to continue to market a drug.

Section 314.50(a) requires that an application form (Form FDA 356h) be submitted that includes introductory information about the drug as well as a checklist of enclosures.

Section 314.50(b) requires that an index be submitted with the archival copy of the application and that it reference certain sections of the application.

Section 314.50(c) requires that a summary of the application be submitted that presents a good general synopsis of all the technical sections and other information in the application.

Section 314.50(d) requires that the NDA contain the following technical sections about the new drug: Chemistry, manufacturing, and controls; nonclinical pharmacology and toxicology; human pharmacokinetics and bioavailability; microbiology; clinical data; statistical; and pediatric use sections.

Section 314.50(e) requires the applicant to submit samples of the drug if requested by FDA. In addition, the archival copy of the application must include copies of the label and all labeling for the drug.

Section 314.50(f) requires that case report forms and tabulations be submitted with the archival copy.

Section 314.50(h) requires that patent information, as described under § 314.53, be submitted with the application. (The burden hours for § 314.50(h) are already approved by OMB under OMB control number 0910–0513 and are not included in the burden estimates in Table 1 of this document.)

Section 314.50(i) requires that patent certification information be submitted in section 505(b)(2) applications for patents claiming the drug, drug product, or method of use.

Section 314.50(j) requires that applicants that request a period of marketing exclusivity submit certain information with the application.

Section 314.50(k) requires that the application contain a financial certification or disclosure statement or both.

Section 314.50(l) requires that an archival, review, and field copy of the application be submitted, including the content of labeling and all labeling and labels.

Section 314.52 requires that any notice of certification of invalidity or non-infringement of a patent to each patent owner and the NDA holder be sent by a section 505(b)(2) applicant that relies on a listed drug. A 505(b)(2) applicant is required to amend its application at the time notice is provided to include a statement certifying that the required notice has been provided. A 505(b)(2) applicant also is required to amend its application to document receipt of the required notice.

Section 314.54 sets forth the content requirements for applications filed under section 505(b)(2) of the FD&C Act. (The information collection burden estimate for 505(b)(2) applications is included in table 1 of this document under the estimates for § 314.50 (a), (b), (c), (d), (e), (f), (g), (i), (j), (k) and (l)).

Section 314.60 sets forth reporting requirements for sponsors who amend an unapproved application.

Section 314.65 states that the sponsor must notify FDA when withdrawing an unapproved application.

Sections 314.70 and 314.71 require that supplements be submitted to FDA for certain changes to an approved application.

Section 314.72 requires sponsors to report to FDA any transfer of ownership of an application.

Section 314.80(c)(1) and (c)(2) sets forth requirements for expedited adverse drug experience postmarketing reports and followup reports, as well as for periodic adverse drug experience postmarketing reports (Form FDA 3500A). (The burden hours for § 314.80(c)(1) and (c)(2) are already approved by OMB under OMB control numbers 0910–0230 and 0910–0291 and are not included in the burden estimates in table 1 of this document.)

Section 314.80(i) establishes recordkeeping requirements for reports of postmarketing adverse drug experiences. (The burden hours for § 314.80(i) are already approved by OMB under OMB control numbers 0910–0230 and 0910–0291 and are not included in the burden estimates in table 1 of this document.)

Section 314.81(b)(1) requires that field alert reports be submitted to FDA (Form FDA 3331).

Section 314.81(b)(2) requires that annual reports be submitted to FDA (Form FDA 2252).

Section 314.81(b)(3)(i) requires that drug advertisements and promotional labeling be submitted to FDA (Form FDA 2253).

Section 314.81(b)(3)(iii) sets forth reporting requirements for sponsors who withdraw an approved drug product from sale. (The burden hours for § 314.81(b)(3)(iii) are already approved by OMB under OMB control number 0910–0045 and are not included in the burden estimates in table 1 of this document.)

Section 314.90 sets forth requirements for sponsors who request waivers from FDA for compliance with §§ 314.50 through 314.81. (The information collection burden estimate for NDA waiver requests is included in table 1 of this document under the estimates for each section that is in subpart B of part 314.)

Section 314.93 sets forth requirements for submitting a suitability petition in accordance with § 10.20 (21 CFR 10.20) and § 10.30. (The burden hours for § 314.93 are already approved by OMB under 0910–0183 and are not included in the burden estimates in table 1 of this document.)

Section 314.94(a) and (d) requires that an ANDA contain the following information: Application form; table of contents; basis for ANDA submission; conditions of use; active ingredients; route of administration, dosage form, and strength; bioequivalence; labeling; chemistry, manufacturing, and controls; samples; patent certification.

Section 314.95 requires that any notice of certification of invalidity or non-infringement of a patent to each patent owner and the NDA holder be sent by ANDA applicants.

Section 314.96 sets forth requirements for amendments to an unapproved ANDA.

Section 314.97 sets forth requirements for submitting supplements to an approved ANDA for certain changes to the application.

Section 314.98(a) sets forth postmarketing adverse drug experience reporting and recordkeeping requirements for ANDAs. (The burden hours for § 314.98(a) are already approved by OMB under OMB control numbers 0910–0230 and 0910–0291 and are not included in the burden estimates in table 1 of this document.)

Section 314.98(c) requires other postmarketing reports for ANDAs: Field alert reports (Form FDA 3331), annual reports (Form FDA 2252), and advertisements and promotional labeling (Form FDA 2253). (The information collection burden estimate for field alert reports is included in table 1 of this document under § 314.81(b)(1); the estimate for annual reports is included under § 314.81(b)(2); the estimate for advertisements and promotional labeling is included under § 314.81(b)(3)(i).)

Section 314.99(a) requires that sponsors comply with certain reporting requirements for withdrawing an unapproved ANDA and for a change in ownership of an ANDA.

Section 314.99(b) sets forth requirements for sponsors who request waivers from FDA for compliance with §§ 314.92 through 314.99. (The information collection burden estimate for ANDA waiver requests is included in table 1 of this document under the estimates for each section that is in subpart C of part 314.)

Section 314.101(a) states that if FDA refuses to file an application, the applicant may request an informal conference with FDA and request that the application be filed over protest.

Section 314.107(c) requires notice to FDA by the first applicant to submit a substantially complete ANDA containing a certification that a relevant patent is invalid, unenforceable, or will not be infringed of the date of first commercial marketing. (The information collection burden estimate for § 314.107(c) is included in table 1 of this document under the estimates for § 314.50(a), (b), (c), (d), (e), (f), (g), (i), (j), (k) and (l)).

Section 314.107(e) requires that an applicant submit a copy of the entry of the order or judgment to FDA within 10 working days of a final judgment. (The information collection burden estimate for § 314.107(e) applications is included in table 1 of this document under the estimates for § 314.50(a), (b), (c), (d), (e), (f), (g), (i), (j), (k) and (l)).

Section 314.107(f) requires that ANDA or section 505(b)(2) applicants notify FDA immediately of the filing of any legal action filed within 45 days of receipt of the notice of certification. A patent owner may also notify FDA of the filing of any legal action for patent infringement. If the patent owner or approved application holder who is an exclusive patent licensee waives its opportunity to file a legal action for patent infringement within the 45-day period, the patent owner or approved application holder must submit to FDA a waiver in the specified format. (The information collection burden estimate for § 314.107(f) is included in table 1 of this document under the estimates for § 314.50 (a), (b), (c), (d), (e), (f), (g), (i), (j), (k) and (l)).

Section 314.110(b)(3) states that, after receipt of an FDA complete response letter, an applicant may request an opportunity for a hearing on the question of whether there are grounds for denying approval of the application. (The burden hours for § 314.110(b)(3) are included under parts 10 through 16 (21 CFR parts 10 and 16) hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.122(a) requires that an ANDA or a suitability petition that relies on a listed drug that has been voluntarily withdrawn from sale must be accompanied by a petition seeking a determination whether the drug was withdrawn for safety or effectiveness reasons. (The burden hours for § 314.122(a) are already approved by OMB under OMB control number 0910–0183 and are not included in the burden estimates in table 1 of this document.)

Section 314.122(d) sets forth requirements for relisting petitions for unlisted discontinued products. (The burden hours for § 314.122(d) are already approved by OMB under OMB control number 0910–0183 and are not included in the burden estimates in table 1 of this document.)

Section 314.126(c) sets forth requirements for a petition to waive criteria for adequate and well-controlled studies. (The burden hours for § 314.126(c) are already approved by OMB under 0910–0183 and are not included in the burden estimates in table 1 of this document.)

Section 314.151(a) and (b) set forth requirements for the withdrawal of approval of an ANDA and the applicant's opportunity for a hearing and submission of comments. (The burden hours for § 314.151(a) and (b) are included under parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.151(c) sets forth the requirements for withdrawal of approval of an ANDA and the applicant's opportunity to submit written objections and participate in a limited oral hearing. (The burden hours for § 314.151(c) are included under parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.153(b) sets forth the requirements for suspension of an ANDA when the listed drug is voluntarily withdrawn for safety and effectiveness reasons, and the applicant's opportunity to present comments and participate in a limited oral hearing. (The burden hours for § 314.152(b) are included under parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.161(b) and (e) sets forth the requirements for submitting a petition to determine whether a listed drug was voluntarily withdrawn from sale for safety or effectiveness reasons. (The burden hours for § 314.161(b) and (e) are already approved by OMB under OMB control number 0910–0183 and are not included in the burden estimates in table 1 of this document.)

Section 314.200(c), (d), and (e) requires that applicants or others subject to a notice of opportunity for a hearing who wish to participate in a hearing file a written notice of participation and request for a hearing as well as the studies, data, and so forth, relied on. Other interested persons may also submit comments on the notice. This section also sets forth the content and format requirements for the applicants' submission in response to notice of opportunity for hearing. (The burden hours for § 314.200(c), (d), and (e) are included under parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.200(f) states that participants in a hearing may make a motion to the presiding officer for the inclusion of certain issues in the hearing. (The burden hours for § 314.200(f) are included under parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.200(g) states that a person who responds to a proposed order from FDA denying a request for a hearing provide sufficient data, information, and analysis to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing. (The burden hours for § 314.200(g) are included under parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.420 states that an applicant may submit to FDA a drug master file in support of an application, in accordance with certain content and format requirements.

Section 314.430 states that data and information in an application are disclosable under certain conditions, unless the applicant shows that extraordinary circumstances exist. (The burden hours for § 314.430 are included under parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.530(c) and (e) states that if FDA withdraws approval of a drug approved under the accelerated approval procedures, the applicant has the opportunity to request a hearing and submit data and information. (The burden hours for § 314.530(c) and (e) are included under parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the burden estimates in table 1 of this document.)

Section 314.530(f) requires that an applicant first submit a petition for stay of action before requesting an order from a court for a stay of action pending review. (The burden hours for § 314.530(f) are already approved by OMB under 0910–0194 and are not included in the burden estimates in table 1 of this document.)

Section 314.550 requires an applicant with a new drug product being considered for accelerated approval to submit copies of all promotional materials to the FDA during the preapproval and post-approval periods.

Section 314.610(b)(1) requires that applicants include a plan or approach to postmarketing study commitments in applications for approval of new drugs when human efficacy studies are not ethical or feasible, and provide status reports of postmarketing study commitments. (The information collection burden estimate for § 314.610(b)(1) is included in table 1 of this document under the estimates for §§ 314.50 (a), (b), (c), (d), (e), (f), (k) and (l) and 314.81(b)(2)).

Section 314.610(b)(3) requires that applicants propose labeling to be provided to patient recipients in applications for approval of new drugs when human efficacy studies are not ethical or feasible. (The information collection burden estimate for § 314.610(b)(3) is included in table 1 of this document under the estimates for § 314.50(e)).

Section 314.630 requires that applicants provide postmarketing safety reporting for applications for approval of new drugs when human efficacy studies are not ethical or feasible. (The burden hours for § 314.630 are already approved by OMB under OMB control numbers 0910–0230 and 0910–0291 and are not included in the burden estimates in table 1 of this document.)

Section 314.640 requires that applicants provide promotional materials for applications for approval of new drugs when human efficacy studies are not ethical or feasible. (The information collection burden estimate for § 314.640 is included in table 1 of this document under the estimates for § 314.81(b)(3)(i)).

Respondents to this collection of information are all persons who submit an application or abbreviated application or an amendment or supplement to FDA under part 314 to obtain approval of a new drug, and any person who owns an approved application or abbreviated application.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

| 21 CFR Section; [FDA Form No.] | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|---|---|---|---|---|---|
| 314.50 (a), (b), (c), (d), (e), (f), (g), (i), (j), (k) and (l) [356h] | 106 | 1.42 | 151 | 1,921 | 290,071 |
| 314.52 | 7 | 3 | 21 | 16 | 336 |
| 314.95 | 209 | 3 | 627 | 16 | 10,032 |
| 314.60 | 277 | 8.73 | 2,419 | 80 | 193,520 |
| 314.65 | 18 | 1.16 | 21 | 2 | 42 |
| 314.70 and 314.71 | 374 | 7.63 | 2,854 | 150 | 428,100 |
| 314.72 | 66 | 2.20 | 145 | 2 | 290 |
| 314.81(b)(1) [3331] | 260 | 16.31 | 4,241 | 8 | 33,928 |
| 314.81(b)(2) [2252] | 930 | 11.28 | 10,495 | 40 | 419,800 |
| 314.81(b)(3)(i) [2253] | 520 | 87.43 | 45,461 | 2 | 90,922 |
| 314.94(a) and (d) | 251 | 4.73 | 1,186 | 480 | 569,280 |
| 314.96 | 434 | 24.60 | 10,675 | 80 | 854,000 |
| 314.97 | 306 | 18.34 | 5,611 | 80 | 448,880 |
| 314.99(a) | 219 | 3.01 | 659 | 2 | 1,318 |
| 314.101(a) | 1 | 1 | 1 | .50 | .50 |
| 314.420 | 524 | 1.98 | 1,038 | 61 | 63,318 |
| 314.550 | 20 | 7 | 140 | 120 | 16,800 |
| Total | | | | | 3,420,637.50 |

There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: March 18, 2014.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2014–06367 Filed 3–21–14; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2010–N–0493]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information associated with the criteria and procedures for classifying over-the-counter (OTC) drugs as generally recognized as safe and effective and not misbranded, in accordance with regulations and discussed in the Guidance for Industry ''Time and Extent Applications for Nonprescription Drug Products.''

**DATES:** Submit either electronic or written comments on the collection of information by May 23, 2014.

**ADDRESSES:** Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''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, including each proposed extension of an existing 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.

**Additional Criteria and Procedures for Classifying OTC Drugs as Generally Recognized as Safe and Effective and Not Misbranded—21 CFR 330.14 (OMB Control Number 0910–0688)—Extension**

In the **Federal Register** of January 23, 2002 (67 FR 3060), we established regulations in § 330.14 (21 CFR 330.14) providing additional criteria and procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded (2002 time and extent application (TEA) final rule). These regulations state that OTC drug products introduced into the U.S. market after the OTC drug review began and OTC drug products without any marketing experience in the United States can be evaluated under the monograph process if the conditions (e.g., active ingredients) meet certain ''time and extent'' criteria outlined in § 330.14(b). The regulations allow a TEA to be submitted to us by any party for our consideration to include new conditions in the OTC drug monograph system. TEAs must provide evidence described in § 330.14(c) demonstrating that the condition is eligible for inclusion in the monograph system. (Section 330.14(d) specifies the number of copies and address for submission of a TEA.) If a condition is found eligible, any interested parties can submit safety and effectiveness information as explained in § 330.14(f). Safety and effectiveness data includes the data and information listed in 21 CFR 330.10(a)(2), a listing of all serious adverse drug experiences that may have occurred, and an official or proposed compendial monograph. We published the Guidance for Industry ''Time and Extent Applications for Nonprescription Drug Products'' in September 2011.

In the **Federal Register** of February 8, 2011 (76 FR 6801), we published a 60-day notice requesting public comment on the proposed collection of information. In that notice, we stated that, based on the number of submissions we had received in the 8 years following publication of the TEA final rule, we expected to receive an average of two TEAs and two submissions of safety and effectiveness data each year. In the same document, we stated our estimate that approximately 1,525 hours are required to prepare a TEA and approximately 2,350 hours to prepare a safety and effectiveness submission. This estimate is based on a comment from a manufacturer that filed two TEAs that was submitted to the Agency in response to the 60-day notice requesting public comment on this proposed collection of information in the **Federal Register** of October 8, 2010, (75 FR 62404). The commenter included, as part of the estimated burden of safety and effectiveness data submission, an estimate to submit environmental data to conduct an environmental assessment, as required by the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) (see 21 CFR 25.1), or the application of any categorical exclusion that may be warranted (21 CFR 25.20(f)). Because the information provided in the submission is based on actual experience by a TEA applicant and included an estimated burden to comply with NEPA, we agreed with the submission and adjusted our estimates accordingly. Based on our experience since the February 8, 2011, **Federal Register** notice, we continue to estimate that we will receive two TEAs and two safety and effectiveness submissions each year, and that it will take

approximately 1,525 hours to prepare a TEA and 2,350 hours to prepare a comprehensive safety and effectiveness submission, to include environmental data.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN[1]

| 21 CFR Section | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|---|---|---|---|---|---|
| 330.14(c)—Time & Extent Application and (d)[2]—submission of information; confidentiality | 2 | 1 | 2 | 1,525 | 3,050 |
| 330.14(f)—Request for data and views and (i)[3]—compendial monograph | 2 | 1 | 2 | 2,350 | 4,700 |
| Total | | | | | 7,750 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] TEA.
[3] Safety and effectiveness submission, including environmental data in accordance with 21 CFR 25.1.

Dated: March 18, 2014.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2014–06365 Filed 3–21–14; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–D–0217]**

### Premarket Notification Submissions for Electrosurgical Devices for General Surgery; 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 ''Premarket Notification (510(k)) Submissions for Electrosurgical Devices for General Surgery.'' FDA has developed this guidance document to assist industry in preparing premarket notification (510(k)) submissions for electrosurgical devices intended for use in general surgery. 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 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 June 23, 2014.

**ADDRESSES:** An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Premarket Notification (510(k)) Submissions for Electrosurgical Devices for General Surgery'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

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:** Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G404, Silver Spring, MD 20993–0002, 301–796–6524.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

FDA has developed this guidance document to assist industry in preparing premarket notification (510(k)) submissions for electrosurgical devices intended for use in general surgery. These devices are designed to cut and/or remove tissue and control bleeding through the use of high frequency electrical current. For the purpose of this guidance, electrosurgical devices may also be called radiofrequency devices or high frequency devices. The scope of this document is limited to the class II, electrosurgical devices and accessories classified under 21 CFR 878.4400, *Electrosurgical cutting and coagulation device and accessories.*

#### 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 content of premarket notification (510(k)) submissions for electrosurgical devices for general surgery. 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 downloading an electronic copy from 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.* Persons unable to download an electronic copy of ''Premarket Notification (510(k)) Submissions for Electrosurgical Devices for General Surgery,'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1835 to identify the guidance you are requesting.

#### IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information 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 collections of information in 21 CFR part 807, subpart E have been approved under

OMB control number 0910–0120; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 have been approved under OMB control number 0910–0485.

**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: *March 18, 2014.*

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2014–06372 Filed 3–21–14; 8:45 am]

**BILLING CODE 4160–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–D–0218]**

### Premarket Notification Submissions for Bipolar Electrosurgical Vessel Sealers for General Surgery; 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 ''Premarket Notification (510(k)) Submissions for Bipolar Electrosurgical Vessel Sealers for General Surgery.'' FDA has developed this guidance document to assist industry in preparing premarket notification (510(k)) submissions for bipolar electrosurgical vessel sealers intended for use in general surgery. 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 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 June 23, 2014.

**ADDRESSES:** An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Premarket Notification (510(k)) Submissions for Bipolar Electrosurgical Vessel Sealers for General Surgery'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

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:** Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G404, Silver Spring, MD 20993–0002, 301–796–6524.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA has developed this guidance document to assist industry in preparing premarket notification (510(k)) submissions for bipolar electrosurgical vessel sealers intended for use in general surgery. These devices are designed to seal isolated blood and lymphatic vessels for hemostasis (as an alternative to ties) through the use of high frequency electrical current between two electrodes in close proximity. The scope of this document is limited to the class II, electrosurgical devices and accessories classified under 21 CFR 878.4400, *Electrosurgical cutting and coagulation device and accessories.* This generic type of device includes bipolar vessel sealing instruments, associated electrosurgical generators, and accessories for use in open, endoscopic, and laparoscopic general surgical procedures. This guidance is intended only to address bipolar electrosurgical vessel sealers that have general indications for use in general surgery.

**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 content of premarket notification (510(k)) submissions for bipolar electrosurgical vessel sealers intended for use in general surgery. 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 downloading an electronic copy from 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.* Persons unable to download an electronic copy of ''Premarket Notification (510(k)) Submissions for Bipolar Electrosurgical Vessel Sealers for General Surgery'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1300048 to identify the guidance you are requesting.

**IV. Paperwork Reduction Act of 1995**

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information 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 collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 have been approved under OMB control number 0910–0485.

**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: March 18, 2014.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2014–06371 Filed 3–21–14; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–N–0001]**

### Anesthetic and Analgesic Drug Products 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:* Anesthetic and Analgesic Drug Products 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 April 22, 2014, from 8 a.m. to 5 p.m.

*Location:* FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

*Contact Person:* Caleb Briggs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2428, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *AADPAC@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:* The committee will discuss the safety and efficacy for new drug application 203077, MOXDUO (morphine sulfate and oxycodone hydrochloride) capsules, QRxPharma Inc., for the proposed indication of management of moderate to severe acute pain where the use of an opioid analgesic is appropriate. This product represents the first drug combination consisting of two immediate-release opioids.

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 meeting 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 April 8, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 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 March 31, 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 April 1, 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 Caleb Briggs 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: March 19, 2014.

**Jill Hartzler Warner,**

*Acting Associate Commissioner for Special Medical Programs.*

[FR Doc. 2014–06325 Filed 3–21–14; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–N–0001]**

### Request for Nominations for Voting and/or Nonvoting Consumer Representatives on Public Advisory Committees or Panels and Request for Notification From Consumer Organizations Interested in Participating in the Selection Process for Nominations for Voting and/or Nonvoting Consumer Representatives on Public Advisory Committees or Panels

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is requesting that any consumer organizations interested in participating in the selection of voting and/or nonvoting consumer representatives to serve on its advisory committees or panels notify FDA in writing. FDA is also requesting nominations for voting and/or nonvoting consumer representatives to serve on advisory committees and/or panels for which vacancies currently exist or are expected to occur in the near future. Nominees recommended to serve as a voting or nonvoting consumer representative may be self-nominated or may be nominated by a consumer organization. Nominations will be

accepted for current vacancies and for those that will or may occur through December 2014.

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and therefore, encourages nominations of appropriately qualified candidates from these groups.

**DATES:** Any consumer organization interested in participating in the selection of an appropriate voting or nonvoting member to represent consumer interests on an FDA advisory committee or panel may send a letter or email stating that interest to the FDA (see **ADDRESSES**) by April 23, 2014, for vacancies listed in this notice. Concurrently, nomination materials for prospective candidates should be sent to FDA (see **ADDRESSES**) by April 23, 2014.

**ADDRESSES:** All statements of interest from consumer organizations interested in participating in the selection process should be submitted electronically to *dornette.spelllesane@fda.hhs.gov.* or by mail to Advisory Committee Oversight and Management Staff, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002, or by FAX to 301–847–8640.

Consumer Representative nominations should be submitted electronically by logging accessing the FDA Advisory Committee Membership Nomination Portal at *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* or by mail to Advisory Committee Oversight and Management Staff, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002, or by FAX to 301–847–8640. Additional information about becoming a member on an FDA advisory committee can also be obtained by visiting FDA's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

**FOR FURTHER GENERAL INFORMATION CONTACT:** Dornette Spell-LeSane, Advisory Committee Oversight and Management Staff (ACOMS), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5129, Silver Spring, MD 20993–0002, 301 796–8224, *dornette.spelllesane@fda.hhs.gov.*

For questions relating to specific advisory committees or panels, contact the following persons listed in Table 1 of this document:

TABLE 1—ADVISORY COMMITTEE CONTACTS

| Contact person | Committee/panel |
|---|---|
| Karen Strambler, Center for Food Safety and Applied Nutrition, FDA College Park, CPK1, Rm. 1C016, College Park, MD 20740, 240–402–2589, FAX: 301–436–2637, *Karen.Strambler@fda.hhs.gov*. | Food Advisory Committee. |
| Avena Russell, ABD, Center for Devices and Radiological Health, Office of Device Evaluation, 10903 New Hampshire Ave., Bldg. 66, Rm. 1535, Silver Spring, MD 20993, 301–796–3805, FAX: 301–847–8122, *Avena.Russell@fda.hhs.gov*. | General and Plastic Surgery Devices Panel. |
| Sara J. Anderson, LCDR, U.S. Public Health Service, Center for Devices and Radiological Health, Office of Device Evaluation, 10903 New Hampshire Ave., Bldg. 66, Rm.1544, Silver Spring, MD 20903, 301–796–7047, FAX: 301–847–8122, *Sara.Anderson@fda.hhs.gov*. | Hematology and Pathology Devices Panel, Orthopaedic and Rehabilitation Devices Panel and National Mammography and Quality Assurance. |
| Pamela Scott, Center for Devices and Radiological Health. Office of the Center Director, 10903 New Hampshire Ave., Bldg. 66, Rm. 5406, Silver Spring, MD 20993, 301–796–5433, FAX: 301–847–8510, *Pamela.Scott@fda.hhs.gov*. | Medical Devices Dispute Resolution Panel. |
| Shanika Craig, Food and Drug Administration, Bldg. 66, Rm. 1613, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–6639, FAX: 301–847–812, *Shanika.Craig@fda.hhs.gov*. | Obstetrics and Gynecology Devices Panel. |
| Walter Ellenberg, Office of the Commissioner, Office of Pediatric Therapeutics, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–0885, FAX: 301–847–8640, *Walter.Ellenberg@fda.hhs.gov*. | Pediatrics Advisory Committee. |
| Kalyani Bhatt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Silver Spring, MD 20993–0002, 301–796–0063, FAX: 301–847–8533, *Kalyani.Bhatt@fda.hhs.gov*. | Psychopharmacologic Drugs Advisory Committee and Reproductive Health Drugs Advisory Committee. |

**SUPPLEMENTARY INFORMATION:** FDA is requesting nominations for voting and/or nonvoting consumer representatives for the vacancies listed in Table 2 of this document:

TABLE 2—COMMITTEE DESCRIPTIONS, TYPE OF CONSUMER REPRESENTATIVE VACANCY AND APPROXIMATE DATE NEEDED

| Committee/Panel/Areas of expertise needed | Current & upcoming vacancies | Approximate date needed |
|---|---|---|
| Food Advisory Committee—Knowledgeable in the fields of physical sciences, biological and life sciences, food science, risk assessment, nutrition, food technology, molecular biology, and other relevant scientific and technical disciplines. | 1-voting | Immediately. |
| Medical Devices Advisory Committee, General and Plastic Surgery Devices Panel—Knowledgeable in the fields of general, plastic, reconstructive, pediatric, thoracic, abdominal, pelvic and endoscopic surgery; biomaterials, lasers, wound healing, and quality of life issues. | 1-nonvoting | 9/1/2014. |
| Medical Devices Advisory Committee, Hematology and Pathology Devices Panel—Knowledgeable in the fields of hematology, hematopathology, coagulation and homeostasis, hematological oncology, gynecological oncology. | 1-nonvoting | 3/1/2014. |

TABLE 2—COMMITTEE DESCRIPTIONS, TYPE OF CONSUMER REPRESENTATIVE VACANCY AND APPROXIMATE DATE NEEDED—Continued

| Committee/Panel/Areas of expertise needed | Current & upcoming vacancies | Approximate date needed |
|---|---|---|
| Medical Devices Advisory Committee, Medical Devices Dispute Resolution Panel—Experts with broad, cross-cutting scientific, clinical, analytical or mediation skills. | 1-nonvoting | 10/1/2014. |
| National Mammography Quality Assurance—Knowledgeable in clinical practice, research specialization, or professional work that has a significant focus on mammography. | 1–nonvoting | Immediately. |
| Medical Devices Advisory Committee, Obstetrics and Gynecology Devices Panel—Knowledgeable in the fields of perinatology, embryology, reproductive endocrinology, pediatric gynecology, gynecological oncology, operative hysteroscopy, pelviscopy, electrosurgery, laser surgery, assisted reproductive technologies, contraception, postoperative adhesions, and cervical cancer and colposcopy; obstetrics/gynecology devices; gynecology in the older patient; midwifery; labor and delivery nursing. | 1-nonvoting | Immediately. |
| Orthopaedic and Rehabilitation Devices Panel—Knowledgeable in data concerning the safety and effectiveness of marketed and investigational orthopaedic and rehabilitation devices. | 1-nonvoting | Immediately. |
| Pediatrics Advisory Committee—Knowledgeable in pediatric research, pediatric subspecialties, statistics, and/or biomedical ethics. | 1-voting | 7/1/2014. |
| Psychopharmacologic Drugs Advisory Committee—Knowledgeable in the fields of psychopharmacology, psychiatry, epidemiology or statistics, and related specialties. | 1-voting | 7/1/2014. |
| Reproductive Health Drugs Advisory Committee—Knowledgeable in the fields of obstetrics, gynecology, endocrinology, pediatrics, epidemiology or statistics and related specialties. | 1-voting | 7/1/2014. |

## I. Functions

*A. Certain Panels of the Medical Devices Advisory Committee*

The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation. The panels engage in a number of activities to fulfill the functions the Federal Food, Drug, and Cosmetic Act (FD&C Act) envisions for device advisory panels. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, advises the Commissioner of Food and Drugs (the Commissioner) regarding recommended classification or reclassification of devices into one of three regulatory categories, advises on any possible risks to health associated with the use of devices, advises on formulation of product development protocols, reviews premarket approval applications for medical devices, reviews guidelines and guidance documents, recommends exemption of certain devices from the application of portions of the FD&C Act, advises on the necessity to ban a device, and responds to requests from the Agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

*B. The Medical Devices Dispute Resolution Panel*

The Panel provides advice to the Commissioner on complex or contested scientific issues between the FDA and medical device sponsors, applicants, or manufacturers relating to specific products, marketing applications, regulatory decisions and actions by FDA, and Agency guidance and policies. The Panel makes recommendations on issues that are lacking resolution, are highly complex in nature, or result from challenges to regular advisory panel proceedings or Agency decisions or actions.

*C. Food Advisory Committee*

The Committee provides advice to the Commissioner of Food and Drugs and other appropriate officials, on emerging food safety, food science, nutrition, and other food-related health issues that the FDA considers of primary importance for its food and cosmetics programs. The Committee may be charged with reviewing and evaluating available data and making recommendations on matters such as those relating to: (1) Broad scientific and technical food or cosmetic related issues; (2) the safety of new foods and food ingredients; (3) labeling of foods and cosmetics; (4) nutrient needs and nutritional adequacy; and (5) safe exposure limits for food contaminants. The Committee may also be asked to provide advice and make recommendations on ways of communicating to the public the potential risks associated with these issues and on approaches that might be considered for addressing the issues.

*D. National Mammography and Quality Assurance Advisory Committee:*

The Committee Reviews and evaluates (1) Developing appropriate quality standards and regulations for mammography facilities; (2) developing appropriate standards and regulations for bodies accrediting mammography facilities under this program; (3) developing regulations with respect to sanctions; (4) developing procedures for monitoring compliance with standards; (5) establishing a mechanism to investigate consumer complaints; (6) reporting new developments concerning breast imaging which should be considered in the oversight of mammography facilities; (7) determining whether there exists a shortage of mammography facilities in rural and health professional shortage areas and determining the effects of personnel on access to the services of such facilities in such areas; (8) determining whether there will exist a sufficient number of medical physicists after October 1, 1999; and (9) determining the costs and benefits of compliance with these requirements.

*E. Pediatric Advisory Committee*

The Committee advises and makes recommendations to the Commissioner of Food and Drugs regarding (1) pediatric research; (2) identification of research priorities related to pediatric therapeutics and the need for additional treatments of specific pediatric diseases or conditions; (3) the ethics, design, and analysis of clinical trials related to pediatric therapeutics; (4) pediatric labeling disputes; (5) pediatric labeling changes; (6) adverse event reports for drugs granted pediatric exclusivity and

any safety issues that may occur; (7) any other pediatric issue or pediatric labeling dispute involving FDA regulated products; (8) research involving children as subjects; and (9) any other matter involving pediatrics for which FDA has regulatory responsibility. The Committee also advises and makes recommendations to the Secretary directly or to the Secretary through the Commissioner on research involving children as subjects that is conducted or supported by the Department of Health and Human Services.

*F. Psychopharmacologic Drugs Advisory Committee*

Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the practice of psychiatry and related fields.

*G. Reproductive Health Drugs Advisory Committee*

Reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the practice of obstetrics, gynecology, and related specialties.

**II. Criteria for Members**

Persons nominated for membership as consumer representatives on committees or panels should meet the following criteria: (1) Demonstrate ties to consumer and community-based organizations; (2) be able to analyze technical data; (3) understand research design; (4) discuss benefits and risks; and (5) evaluate the safety and efficacy of products under review. The consumer representative should be able to represent the consumer perspective on issues and actions before the advisory committee; serve as a liaison between the committee and interested consumers, associations, coalitions, and consumer organizations; and facilitate dialogue with the advisory committees on scientific issues that affect consumers.

**III. Selection Procedures**

Selection of members representing consumer interests is conducted through procedures that include the use of organizations representing the public interest and public advocacy groups. These organizations recommend nominees for the Agency's selection. Representatives from the consumer health branches of Federal, State, and local governments also may participate in the selection process. Any consumer organization interested in participating in the selection of an appropriate voting or nonvoting member to represent consumer interests should send a letter stating that interest to FDA (see **ADDRESSES**) within 30 days of publication of this document.

Within the subsequent 30 days, FDA will compile a list of consumer organizations that will participate in the selection process and will forward to each such organization a ballot listing at least two qualified nominees selected by the Agency based on the nominations received, together with each nominee's current curriculum vitae or resume. Ballots are to be filled out and returned to FDA within 30 days. The nominee receiving the highest number of votes ordinarily will be selected to serve as the member representing consumer interests for that particular advisory committee or panel.

**IV. Nomination Procedures**

Any interested person or organization may nominate one or more qualified persons to represent consumer interests on the Agency's advisory committees or panels. Self-nominations are also accepted. Nominations should include a cover letter and a current curriculum vitae or résumé for each nominee, including a current business and/or home address, telephone number, and email address if available, and a list of consumer or community-based organizations for which the candidate can demonstrate active participation.

Nominations should also specify the advisory committee(s) or panel(s) for which the nominee is recommended. In addition, nominations should include confirmation that the nominee is aware of the nomination and is willing to serve as a member of the advisory committee or panel if selected, and appears to have no conflicts of interest. FDA will ask potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest. Members will be invited to serve for terms up to 4 years.

FDA will review all nominations received within the specified timeframes and prepare a ballot containing the names of qualified nominees. Names not selected will remain on a list of eligible nominees and be reviewed periodically by FDA to determine continued interest. Upon selecting qualified nominees for the ballot, FDA will provide those consumer organizations that are participating in the selection process with the opportunity to vote on the listed nominees. Only organizations vote in the selection process. Persons who nominate themselves to serve as voting or nonvoting consumer representatives will not participate in the selection process.

Dated: March 18, 2014.

**Jill Hartzler Warner,**

*Acting Associate Commissioner for Special Medical Programs.*

[FR Doc. 2014–06326 Filed 3–21–14; 8:45 am]

BILLING CODE 4160–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

**DATES:** Comments on this ICR should be received within 30 days of this notice.

**ADDRESSES:** Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

**SUPPLEMENTARY INFORMATION:**

*Information Collection Request Title:* Application and Other Forms utilized by the National Health Service Corps Scholarship Program, the NHSC Students to Service Loan Repayment Program, and the Native Hawaiian Health Scholarship Program.

**OMB No. 0915–0146—Revision**

*Abstract:* Administered by HRSA's Bureau of Clinician Recruitment and Service (BCRS), the National Health Service Corps (NHSC) Scholarship Program (SP), NHSC Students to Service Loan Repayment Program (S2S LRP),

and the Native Hawaiian Health Scholarship Program (NHHSP), provide scholarships or loan repayment to qualified students who are pursuing primary care health professions education and training. In return, students agree to provide primary health care services in medically underserved communities located in federally designated Health Professional Shortage Areas (HPSAs) once they are fully trained and licensed health professionals. Awards are made to applicants who demonstrate the greatest potential for successful completion of their education and training as well as commitment to provide primary health care services to communities of greatest need. The program applications, forms, and supporting documentation are used to collect necessary information from applicants and participants that will facilitate in the selection of the best qualified candidates for these competitive awards, and to monitor participants' enrollment in school or in postgraduate training.

Although some program forms vary (see program-specific burden charts below), general forms include: The Program Application, Academic and Non-Academic Letters of Recommendation, the Authorization to Release Information, and the Acceptance/Verification of Good Standing Report. Additional forms for the NHSC SP, include the Data Collection Worksheet, which is completed by the educational institutions of program participants, the Post Graduate Training Verification Form (formerly the Deferment Request Form and applicable for S2S participants), which is completed by program participants and their residency director, and the Enrollment Verification Form, which is completed by program participants and the educational institution for each academic term of the program.

*Need and Proposed Use of the Information:* The NHSC SP, S2S LRP, and NHHSP applications, forms, and supporting documentation are used to collect necessary information from applicants that will enable BCRS to make determinations about the competitive awards.

*Likely Respondents:* Qualified students who are pursuing primary care health professions education and training, and are interested in working with underserved populations.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

*Total Estimated Annualized Burden—Hours*

NHSC SCHOLARSHIP PROGRAM

| Form name | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| NHSC Scholarship Program Application | 1800 | 1 | 1800 | 2.00 | 3600 |
| Letters of Recommendation | 1800 | 2 | 3600 | .50 | 1800 |
| Authorization to Release Information | 1800 | 1 | 1800 | .10 | 180 |
| Acceptance/Verification of Good Standing Report | 1800 | 1 | 1800 | .25 | 450 |
| Receipt of Exceptional Financial Need Scholarship | 200 | 1 | 200 | .25 | 50 |
| Verification of Disadvantaged Background Status | 300 | 1 | 300 | .25 | 75 |
| Total | | | 9500 | | 6155 |

The annual estimate of burden for participants/schools/residency programs is as follows:

| Form name | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Data Collection Worksheet | 400 | 1 | 400 | 1.00 | 400 |
| Post Graduate Training Verification Form | 200 | 1 | 200 | .50 | 100 |
| Enrollment Verification Form | 600 | 2 | 1200 | .50 | 600 |
| Total | | | 1800 | | 1100 |

NHSC STUDENTS TO SERVICE LOAN REPAYMENT PROGRAM

| Form name | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| NHSC Students to Service Program Application | 100 | 1 | 100 | 2.00 | 200 |
| Letters of Recommendation | 100 | 2 | 200 | .50 | 100 |
| Authorization to Release Information | 100 | 1 | 100 | .10 | 10 |

NHSC STUDENTS TO SERVICE LOAN REPAYMENT PROGRAM—Continued

| Form name | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Acceptance/Verification of Good Standing Report | 100 | 1 | 100 | .25 | 25 |
| Receipt of Exceptional Financial Need Scholarship | 4 | 1 | 4 | .25 | 1 |
| Verification of Disadvantaged Background Status | 25 | 1 | 25 | .25 | 6.25 |
| Post Graduate Training Verification Form | 150 | 1 | 150 | .50 | 75 |
| Total | | | 679 | | 417.25 |

NATIVE HAWAIIAN HEALTH SCHOLARSHIP PROGRAM

| Form name* | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Native Hawaiian Health Scholarship Program Application (includes Forms A–E: Applicant Resume Instructions and Guidelines; NHHSP Questionnaire and Narrative Statement; Conflicting Federal Service Memo; Debarment, Suspension, Disqualification and Related Matters Certification; and Delinquent Federal Debt) | 250 | 1 | 250 | 1.00 | 250 |
| Letters of Recommendation (includes Forms H and I: Academic Faculty/Advisor Evaluation of Applicant and Employer Evaluation of Applicant) | 250 | 2 | 500 | .25 | 125 |
| Authorization to Release Information (Form F) | 250 | 1 | 250 | .25 | 62.50 |
| Acceptance/Verification of Good Standing Report (includes Form G: Course Curriculum Worksheet) | 30 | 12 | 360 | .25 | 90 |
| Total | | | 1360 | | 527.50 |

* Please note that the forms listed above account for supporting documentation which may be uploaded as part of the application or associated with the supplemental forms.

Dated: March 18, 2014.

**Jackie Painter,**

*Deputy Director, Division of Policy and Information Coordination.*

[FR Doc. 2014–06337 Filed 3–21–14; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

**[Docket No. DHS–2014–0011]**

### Privacy Act of 1974; Department of Homeland Security, Federal Emergency Management Agency—009 Hazard Mitigation, Disaster Public Assistance, and Disaster Loan Programs System of Records

**AGENCY:** Privacy Office, Department of Homeland Security.

**ACTION:** Notice of Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security/Federal Emergency Management Agency proposes to consolidate a current system of records titled, ''Department of Homeland Security/Federal Emergency Management Agency—005 Temporary and Permanent Relocation and Personal and Real Property Acquisition and Relocation Files System of Records'' (73 FR 77750, December 19, 2008) into the existing system of records titled, ''Department of Homeland Security/Federal Emergency Management Agency—009 Hazard Mitigation Assistance Grant Programs System of Records'' (77 FR 17783, July 23, 2012). The Department of Homeland Security/Federal Emergency Management Agency also proposes to update this system of records to include all disaster-related grant and loan programs including public assistance program, and rename the system of records as ''Department of Homeland Security/Federal Emergency Management Agency—009 Hazard Mitigation, Disaster Public Assistance, and Disaster Loan Programs System of Records'' to reflect the changes. The consolidated and updated system of records allows the Department of Homeland Security/Federal Emergency Management Agency to collect and maintain records from points of contact from states, tribes, local governments, and other entities applying for all grant money programs through the Federal Emergency Management Agency's public assistance grants program, disaster loan program, and the Hazard Mitigation Assistance grant programs. This system of records also allows information collection from individuals who may receive public assistance through these grants. This system of records notice includes personally identifiable information collected from individual property owners and/or occupants whose properties are identified in applications for public assistance, hazard mitigation assistance, and other disaster-related assistance or who have been identified by the Federal Emergency Management Agency as candidates for such assistance. The Federal Emergency Management Agency tracks the progress of the grants to the survivors, to ensure proper delivery of service, prevent duplication of benefits, and recoup any improper payment of public assistance funds. As a result of the review records have been updated within the: (1) System name; (2) system location; (3) categories of individuals; (4) categories of records; (5) authority for maintenance; (6) purpose; (7) routine uses; (8) retrievability; and (9) retention and disposal. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the

previously published notice. This updated system will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** Submit comments on or before April 23, 2014. This revised system will be effective April 23, 2014.

**ADDRESSES:** You may submit comments, identified by docket number DHS–2014–0011, by one of the following methods:

- Federal e-Rulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Fax: 202–343–4010.
- Mail: Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

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.

*Docket:* For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** For general questions, please contact: Eric M. Leckey (202) 212–5100, Privacy Officer, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC 20472. For privacy issues, please contact: Karen L. Neuman (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

**SUPPLEMENTARY INFORMATION:**

## I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) proposes to consolidate, update, and rename a current system of records titled, ''DHS/FEMA–009 Hazard Mitigation Assistance Grant Programs System of Records.'' As part of the Department's process for reviewing and streamlining compliance documentation and to increase transparency, DHS/FEMA is proposing to: (1) Consolidate the DHS/FEMA–005 Temporary and Permanent Relocation and Personal and Real Property Acquisition and Relocation Files System of Records into the DHS/FEMA–009 Hazard Mitigation Assistance Grant Programs System of Records in order to form one comprehensive system of records for the Hazard Mitigation Assistance (HMA) grant programs; (2) update the system of records to include all public assistance and disaster grant and disaster loan programs as these involve the provision of FEMA assistance through state, local, tribal, or other entities, as well as the collection of similar information; and (3) rename the system of records notice to DHS/FEMA–009 Hazard Mitigation, Disaster Public Assistance, and Disaster Loan Programs System of Records.

In making these updates DHS/FEMA is updating the following sections of the systems of records notice: (1) System name, to reflect the addition of public assistance disaster grant and loan programs; (2) system location, to include the location of systems related to all public assistance disaster grant and loan programs; (3) categories of individuals, to include individuals that benefit from FEMA's disaster public assistance and disaster loan programs; (4) categories of records, to include data elements collected throughout the lifecycle of all disaster public assistance and disaster loan programs, including the appeals or arbitration process and other forms used by grantees, as well as responses related to customer service assessments that FEMA collects from a sample of public assistance recipients; (5) authority for maintenance, to include legal authorities to collect information under all disaster public assistance and loan programs and legal authorities related to FEMA's requirement to perform customer service assessments; (6) purpose, to include all disaster-related grant, loan, and public assistance programs to facilitate FEMA's efforts to assess the customer service it provides to those receiving FEMA assistance, to ensure proper delivery of service, to prevent duplication of benefits, and to recoup improper payment; (7) routine uses, to include additional routine uses for public assistance disaster grant and loan programs and to include information sharing with tribal entities and voluntary organizations; (8) retrievability, to add clarity and to include additional personal identifiers by which information may be retrieved; and (9) retention and disposal, to include retention schedules of all records collected through disaster-related grant, loan, and other public assistance programs, as well as retention schedules for the public assistance customer service assessments.

FEMA's mission includes preparing for, responding to, recovering from, and mitigating the nation from all hazards and disasters. To accomplish this, FEMA administers disaster-related grant, loan, and public assistance programs through state, local, tribal, or other entities, who in turn provide aid and assistance to citizens in need. FEMA is consolidating all disaster-related grant, loan, and public assistance programs under one SORN because the assistance is administered in a similar manner. A point of contact (POC) from the state, local, tribal, or other entity typically collects the required information from the disaster survivor in order to provide assistance through these programs on behalf of FEMA. There may be some instances where FEMA collects the information required by a program directly from the disaster survivor; however, the assistance is provided in consultation with the state, local, tribal, or other entities. Regardless of the source of information, disaster survivor PII may be maintained by FEMA under this system of records to account for public assistance issued to the individual, prevent duplication of benefits, and recoup any improper payment of public assistance funds to the individual.

One of the disaster-related grant, loan, and public assistance programs administered through FEMA is the public assistance (PA) grant program. The PA program provides assistance to state, tribal, and local governments, and certain types of private nonprofit organizations in order for communities to quickly respond to and recover from presidentially-declared major disasters and/or emergencies. FEMA provides supplemental federal disaster grant assistance for activities such as debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain private non-profit (PNP) organizations through the PA program. The PA program also includes the Community Disaster Loan (CDL) program, which provides funds to any eligible local government in a designated disaster area that has suffered a substantial loss of tax or other revenue. The jurisdiction must first demonstrate a need for financial assistance to perform a governmental function.

FEMA has updated this system of records to include all disaster-related assistance programs, including the PA program because the administration of the grants program are similar to the administration of PA programs and because the information collection, maintenance, and uses are consistent with the HMA grant programs currently covered by DHS/FEMA–009. Inclusion of PA programs in this system of records does not impact or change how HMA information is collected and used.

FEMA HMA grant programs provide funding for eligible mitigation activities that reduce disaster losses, protect life

and property from future disaster damages, or that are in the best interest of the National Flood Insurance Fund. Through these assistance programs the HMA grant programs provide funds to eligible grantees to implement mitigation measures or determinations to reduce or eliminate the risk of future damage to life and property from hazards through state, local, tribal, or other entities. Many HMA grant programs provide funding for mitigation measures or determinations that impact property privately owned by individuals such as retrofitting structures, elevating structures, implementing structural flood control projects, and constructing safe rooms.

One of the mitigation activities administered under the HMA grant programs is the acquisition and demolition or relocation of qualified properties or structures. FEMA is consolidating and including these records in this updated system of records because they were previously covered by the DHS/FEMA–005 Temporary and Permanent Relocation and Personal and Real Property Acquisition and Relocation Files. In certain areas determined by FEMA to be at greater risk for disasters (i.e., flood plain), individual property owners can voluntarily apply for acquisition and demolition or relocation grant assistance though their local and state governments. Since the acquisition and relocation mitigation activity falls under the overall HMA grant programs, FEMA is consolidating and including this grant assistance program (previously covered by DHS/FEMA–005 Temporary and Permanent Relocation and Personal and Real Property Acquisition and Relocation Files System of Records) into this updated system of records.

Consistent with its mission, FEMA may conduct customer service assessments of PA recipients and collect feedback to determine effectiveness of the program and identify areas for improvement.

This consolidation and update does not impact the current PA grant or loan programs, HMA grant programs, or other disaster-related assistance program operations or the information collection that occur under the program. This consolidation is solely an effort to streamline FEMA's documentation and processes.

This consolidated and updated system will be included in DHS's inventory of record systems.

## II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/FEMA–009 Hazard Mitigation, Disaster Public Assistance, and Loan Programs System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system change to the Office of Management and Budget and to Congress.

### SYSTEM OF RECORDS:

Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)–009.

### SYSTEM NAME:

DHS/FEMA–009 Hazard Mitigation, Disaster Public Assistance, and Disaster Loan Programs System of Records.

### SECURITY CLASSIFICATION:

Unclassified.

### SYSTEM LOCATION:

Records collected for disaster-related grant, loan, and other public assistance programs may be located in systems such as Mitigation eGrants, Emergency Management Mission Integrated Environment (EMMIE) system, National Emergency Management Information System—Public Assistance (NEMIS–PA), Hazard Mitigation Grant Program (HMGP) system (formerly NEMIS–MT), and Individual Assistance (IA). Community Disaster Loan Program and hard copy records are maintained at FEMA Headquarters in Washington, DC and field locations.

### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include:

- Points of contact (POCs) for grantees of the Public Assistance (PA) program, disaster loans, and the Hazard Mitigation Assistance (HMA) grant programs, including applications that are denied, and awarded grants (grantees), such as state, local, tribal, and territorial governments, and private and non-profit organizations applying for assistance or funds; and
- Individual private property owners and/or occupants whose properties are identified in applications for PA, HMA, and other disaster-related assistance, or who have been identified by FEMA as candidates for such assistance.

### CATEGORIES OF RECORDS IN THE SYSTEM:

*Categories of records for State/Local/Tribal POCs of Grantee include:*

- Grant applicant organization POC;
- Grant applicant organization POC's office phone number;
- Grant applicant organization POC's office mailing address;
- Grant applicant organization POC's email address;
- Grant applicant's Dun and Bradstreet Data Universal Numbering System (DUNS);
- Governor's authorized representative name;
- Governor's authorized representative signature;

*Categories of records from individual property owners/occupants include:*

- Individual property owner/occupant's name;
- Individual property owner/occupant's damaged property address;
- Individual property owner/occupant's personal and/or work phone number;
- Individual other/emergency contact number;
- Individual property owner/occupant's mailing address;
- Individual property owner's status regarding flood and/or homeowners' insurance;
- Individual property owner's National Flood Insurance Program (NFIP) policy number;
- Individual property owner's insurance policy provider for the property proposed to be mitigated with FEMA funds;
- Individual property owner/occupant's signature;
- Individual owner/occupant's household size;

*Other records collected to administer and support the disaster-related grant, loan, and public assistance programs:*

- Vital and/or special needs and/or accommodations that the individual property owner/occupants and/or their dependents may require;
- Notations and reports of decisions from insurance, disaster, or similar financial aid and/or income from other federal and state agencies, insurance companies, employers, banks, financial or credit data services, and public or private entities as they relate to

payments, services, financial assistance, and/or other benefit received by individual property owners for the subject property;

- Records and worksheets describing mitigation activity type, hazard type, award date, and/or Congressional district;
- Relevant financial information, such as salary information, that helps determine eligibility to receive payments, assistance, and/or other benefits, or to cancel loan assistance;
- Information supporting a request for public assistance, which may include maps and sketches, cost estimates, photo sheet, description of the damage, special consideration questions, and scope of work required;
- Information pertaining to requests for appeals for the PA and/or HMA programs and program recommendations;
- Information pertaining to requests and recommendations for arbitrations for the PA program;
- Information pertaining to requests for additional funding for cost overruns for large projects;
- Amounts paid for purchase of property, including records of negotiations and offers;
- Title search documentation including property titles, title company correspondence, closing papers, tax records, and contracts;
- Loan interest payment information including mortgage payment papers, loan documentation claims, and DHS/FEMA approvals;
- Information for determining benefit amounts for real property acquisition including tax records, mortgage information, and divorce decrees;
- Information concerning replacement housing determinations including tax information, affidavits, and determinations;
- Relocation claims payment information including documents verifying that funds have been spent, deeds, contractors, building estimates, construction bills, loan papers, leases, cancelled checks, claim forms, and Decent, Safe, and Sanitary Inspection forms;
- Right of entry and/or consent documentation to enter property;
- Deeds, contractual sales documents, notations of follow-up actions, appraiser qualifications, rent supplement information, questionnaire including background information on displaced persons, and information supplied by displaced persons to support claims for relocation files may contain the following:
  - Applicant contact sheet;
  - Application for assistance;
  - Leases and/or reimbursement agreements and corresponding housing inspection reports;
  - Requests for payment with supporting bills, receipts, etc., for relocation expenses and payment records to individuals and businesses; and
  - Move-out records.
- Customer service survey/assessment responses.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 203, 403, 404, 406, 407, 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5133, 5170a, 5170b, 5170c, 5173 and 5184; 42 U.S.C. 4030, 4102a, and 4104c, National Flood Insurance Act of 1968, as amended (the ''NFIA''), 42 U.S.C. 4001, et seq.; the Government Performance and Results Act, Public Law 103–62, as amended; Executive Order 13411 ''Improving Assistance to Disaster Victims,'' August 29, 2006; and Executive Order 12862 ''Setting Customer Service Standards,'' September 11, 2003.

**PURPOSE(S):**

The purpose of this system is to administer the PA grants program, HMA grants programs, and other disaster grants and disaster loan programs to mitigate and recover from emergencies and disasters and to assess the customer satisfaction of FEMA public assistance applicants while allowing FEMA to prevent the duplication of benefits and recoup improper payment. The purpose of this SORN consolidation is to streamline FEMA documentation and processes since the aforementioned programs are administered by FEMA through state, local, tribal, and other entities and collect similar information.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The U.S. or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary or relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which

includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To the state, local, tribal government whose area has been declared, approved, and subject to said grant/loan efforts, or to a federal, state, tribal, or local government agency charged with administering federal mitigation or disaster relief programs in order to prevent a duplication of efforts by FEMA or the said agency, or a duplication of benefits to an individual applying for mitigation grant programs administered by FEMA.

I. To a federal, state, tribal, or local government agency, or other public or private entity (to include voluntary/non-governmental organizations, insurance companies, insurance agents/brokers, individual's employer, and/or financial institutions), when an individual property owner's eligibility for grant assistance to the property, in whole or in part, depends upon financial benefits already received or available from that source for similar purposes.

J. To federal, state, tribal, local governments, voluntary organizations, utilities, and hospitals/health care providers to address unmet needs of individuals seeking assistance, or to restore/provide essential services, determine the status of ongoing projects or requests for assistance, and verify eligibility for/prevent a duplication of assistance.

K. To the affected state subdivision thereof (regional, local, or tribal) for the purpose of determining the state's or subdivision's eligibility for tracking title to the acquired property for recreational and open space resources.

L. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

**STORAGE:**

FEMA stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, or digital media.

**RETRIEVABILITY:**

FEMA may retrieve records by an individual's name, name of the applicant or sub-applicant organization submitting the grant application, mitigation activity type, hazard type, award date, congressional district, and/or individual's flood insurance policy information.

**SAFEGUARDS:**

FEMA safeguards records in this system in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. FEMA has imposed strict controls to minimize the risk of compromising the information it stores. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RETENTION AND DISPOSAL:**

In accordance with Government Records Schedule (GRS) 3, Item 14, FEMA destroys grant administrative records and hard copies of unsuccessful grant applications files after two years. In accordance with GRS 3, Item 13, FEMA stores electronically received and processed copies of unsuccessful grant application files for 3 years from the date of denial and then deleted.

In accordance with NARA Authority N1–311–95–1, Item 1, FEMA maintains grant project records for three years after the end of the fiscal year that the grant or agreement is finalized or when no longer needed, whichever is sooner.

In accordance with NARA Authority N1–311–95–1, Item 3, FEMA retires grant final reports to the Federal Records Center (FRC) three years after cutoff and transfers them to NARA 20 years after cutoff. In accordance with NARA Authority N1–311–95–1, Item 2; N1–311–01–8, Item 1; and N1–311–04–1, Item 1, FEMA stores all other grant records for six years and three months from the date of closeout (when closeout is the date FEMA closes the grant in its financial system) and final audit and appeals are resolved and then deleted.

FEMA will consolidate original files regarding occupant-related documents (e.g., site requests, mobile home sales documents, leases, and contracts) at regional offices at the end of Phase II (e.g., when shelterees are removed to permanent housing) and destroy them six years and three months after files are consolidated in accordance with NARA Authority N1–311–86–1, Item 4C8b(1).

Records of real properties (property acquisition agreement and lists of acquired properties) acquired with FEMA funds for maintenance in accordance with agreement terms of the grant cannot be destroyed until agreement with locality is no longer viable. Files regarding the permanent relocation purchases of properties under Section 1362 are permanent and maintained in accordance with NARA Authority N1–311–86–1, Item 4C10d. FEMA stores records pertaining to individual assistance customer satisfaction assessments in accordance with NARA Authority N1–311–00–1.

The customer service assessment forms that have been filled out and returned by disaster assistance applicants are temporary records that are destroyed upon transmission of the final report, per NARA Authority N1–311–00–1, Item 1.

The statistical and analytical reports resulting from these assessments are temporary records that are retired three years after the final report cutoff and destroyed 20 years after the report cutoff per NARA Authority N1–311–00–1, Item 2. The assessment results database are temporary records that are destroyed when no longer needed for analysis purposes, per NARA Authority N1–311–00–1, Item 3.

**SYSTEM MANAGER AND ADDRESS:**

Director, Risk Reduction Division, FEMA, 1800 South Bell Street, Arlington, VA 20598–3030; Director, Public Assistance Division, FEMA, 500 C Street SW., Washington, DC 20472. Enterprise Coordination/Information Management, National Processing Service Center, Winchester, VA.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the FEMA Privacy Officer and FEMA Freedom of Information Act Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''contacts.'' If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer,

Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov* or 1–866–431–0486. In addition you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

**RECORD ACCESS PROCEDURES:**

See ''Notification procedure'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification procedure'' above.

**RECORD SOURCE CATEGORIES:**

FEMA obtains information in this system of records from individual points of contact for state, local, tribal, territorial governments, and private and non-profit organizations via hard copy and electronic applications for assistance, as well as from the individual disaster survivors, from whom FEMA may collect information directly to assess and report on damages incurred as a result of a disaster.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: February 11, 2014.

**Karen L. Neuman,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2014–06361 Filed 3–21–14; 8:45 am]

**BILLING CODE 9110–17–P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[USCG–2014–0094]**

### Information Collection Request to Office of Management and Budget

**AGENCY:** Coast Guard, DHS.

**ACTION:** Sixty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension to the following collection of information: 1625–0062, Approval of Alterations to Marine Portable Tanks; Approval of Non-Specification Portable Tanks. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

**DATES:** Comments must reach the Coast Guard on or before May 23, 2014.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG–2014–0094] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *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.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

### Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must

contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2014–0094], and must be received by May 23, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

**Submitting Comments**

If you submit a comment, please include the docket number [USCG–2014–0094], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. 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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2014–0094'' in the ''Search'' 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 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 will address them accordingly.

*Viewing comments and documents:* To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0094'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT 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 in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

**Information Collection Request**

1. *Title:* Approval of Alterations to Marine Portable Tanks; Approval of Non-Specification Portable Tanks.

*OMB Control Number:* 1625–0062.

*Summary:* The information will be used to evaluate the safety of proposed alterations to marine portable tanks and non-specification portable tank designs used to transfer hazardous materials during offshore operations.

*Need:* Approval by the Coast Guard of alterations to marine portable tanks under 46 CFR part 64 ensures that the altered tank retains the level of safety to which it was originally designed. In addition, rules that allow for the approval of non-specification portable tanks ensure that innovation and new designs are not frustrated by the regulation.

*Forms:* N/A.

*Respondents:* Owners of marine portable tanks and owners/designers of non-specification portable tanks.

*Frequency:* On occasion.

*Burden Estimate:* The estimated burden remains unchanged at 18 hours a year.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 14, 2014.

**R.E. Day,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.*

[FR Doc. 2014–06240 Filed 3–21–14; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[USCG–2014–0092]**

### Information Collection Request to Office of Management and Budget

**AGENCY:** Coast Guard, DHS.

**ACTION:** Sixty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0078, Licensing and Manning Requirements for Officers on Towing Vessels. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

**DATES:** Comments must reach the Coast Guard on or before May 23, 2014.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG–2014–0092] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *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.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn Paperwork Reduction Act Manager, US Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Smith, Office of Information

Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

## Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2014–0092], and must be received by May 23, 2014. We will post all comments received, without change, to *http://www.regulations.gov*. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

## Submitting Comments

If you submit a comment, please include the docket number [USCG–2014–0092], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. 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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2014–0092'' in the ''Search'' 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 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 will address them accordingly.

*Viewing comments and documents:* To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0092'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT 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 in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

## Information Collection Request

1. *Title:* Licensing and Manning Requirements for Officers on Towing Vessels.

*OMB Control Number:* 1625–0078.

*Summary:* Licensing and manning requirements ensure that towing vessels operating on the navigable waters of the United States are under the control of licensed officers who meet certain qualifications and training standards.

*Need:* Title 46 CFR part 10 prescribes regulations for the licensing of maritime personnel. This information collection is necessary to ensure that a mariner's training information is available to assist in determining his or her overall qualifications to hold certain licenses.

*Forms:* N/A.

*Respondents:* Owners and operators of towing vessels.

*Frequency:* On occasion.

*Burden Estimate:* The estimated burden has decreased from 16,770 hours to 15,869 hours a year due to an estimated decrease in the annual number of respondents.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 14, 2014.

**R.E. Day,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.*

[FR Doc. 2014–06231 Filed 3–21–14; 8:45 am]

**BILLING CODE 9110–04–P**

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# DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

**[USCG–2013–1073]**

## Information Collection Request to Office of Management and Budget

**AGENCY:** Coast Guard, DHS.

**ACTION:** Sixty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0017, Various International Agreement Safety Certificates and Documents. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

**DATES:** Comments must reach the Coast Guard on or before May 23, 2014.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG–2013–1073] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *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.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., STOP 7710, Washington, DC 20593–7710.

**FOR FURTHER INFORMATION CONTACT:** Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

## Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2013–1073], and must be received by May 23, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

## Submitting Comments

If you submit a comment, please include the docket number [USCG–2013–1073], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. 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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2013–1073'' 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 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 will address them accordingly.

*Viewing comments and documents:* To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2013–1073'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT 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 in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

## Information Collection Request

1. *Title:* Various International Agreement Safety Certificates and Documents.

*OMB Control Number:* 1625–0017.

*Summary:* These Coast Guard issued forms are used as evidence of compliance with the International Convention for Safety of Life at Sea, 1974 (SOLAS) by certain U.S. vessels on international voyages. Without the proper certificates or documents, a U.S. vessel could be detained in a foreign port.

*Need:* SOLAS applies to all mechanically propelled cargo vessels of 500 or more gross tons (GT), and to all mechanically propelled passenger vessels carrying more than 12

passengers that engage in international voyages. SOLAS and title 46 CFR 2.01–25 list certificates and documents that may be issued to vessels.

*Forms:* CG–967, CG–968, CG–968A, CG–969, CG–3347, CG–3347B, CG–4359, CG–4360, CG–4361, CG–5643, CG–5679, CG–5679A, CG–5680, CG–6038, CG–6038A.

*Respondents:* Owners and operators of SOLAS vessels.

*Frequency:* Annually and On occasion.

*Burden Estimate:* The estimated burden has decreased from 169 hours to 94 hours a year due to a decrease in the estimated annual number of responses.

Dated: March 14, 2014.

**R.E. Day,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.*

[FR Doc. 2014–06233 Filed 3–21–14; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID: FEMA–2014–0012; OMB No. 1660–0004]**

### Agency Information Collection Activities: Proposed Collection; Comment Request; Application for Participation in the National Flood Insurance Program (NFIP)

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of information under which communities submit information to FEMA for application and continued participation in the National Flood Insurance Program (NFIP).

**DATES:** Comments must be submitted on or before May 23, 2014.

**ADDRESSES:** To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *http://www.regulations.gov* under Docket ID FEMA–2014–0012. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact David Stearrett, Branch Chief, Floodplain Management Branch, Mitigation Directorate, Risk Reduction Division at (202) 646–2953 for further information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections-Management@dhs.gov.*

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP) codified at 42 U.S.C. 4001, et seq., requires all flood prone communities throughout the country to apply for participation in the NFIP one year after their flood prone identification or submit to the prohibition of certain types of federal and federally-related financial assistance for use in their floodplains. Title 44 Code of Federal Regulations (CFR) section 59.2 authorizes that previously unavailable flood insurance protection to property owners in flood-prone areas is now available, and 44 CFR 59.22 identifies the information that communities are required to submit to FEMA for application into the program. Title 44 CFR section 59.22 and section 59.24 identifies the information a community is required to submit to FEMA for continued participation in the program.

**Collection of Information**

*Title:* Application for Participation in the National Flood Insurance Program (NFIP).

*Type of Information Collection:* Revision of a currently approved information collection.

*OMB Number:* 1660–0004.

*Form Titles and Numbers:* FEMA Form 086–0–30, Application for Participation in the National Flood Insurance Program.

*Abstract:* The National Flood Insurance Program (NFIP) provides flood insurance to the communities that apply for participation and make a commitment to adopt and enforce land use control measures that are to protect development from future flood damages. The application form and supporting documentation will enable FEMA to continue to rapidly process new community applications and to thereby more quickly provide flood insurance protection to the residents in communities.

This collection has been updated to account for the burden hours associated with the community development permit process. To qualify for the NFIP, a participating community must adopt certain minimum standards in accordance with FEMA's regulations at 44 CFR 60.3, 60.4, and 60.5. In order to verify whether communities maintain such standards, the NFIP requires participating communities to retain documentation on development taking place in the flood hazard areas within the community. 44 CFR 59.22. Such information will be made available to FEMA upon request. This information assists FEMA to evaluate the effectiveness of a community's floodplain management program and participating property owners' eligibility for flood insurance. In the past the NFIP application did not account for burden hours associated with this collection of information.

The Application for Participation in the NFIP and the Community Development Permit Process are separate actions documented under the same collection.

*Affected Public:* State, local or Tribal Government.

*Number of Respondents:* 20,344.

*Number of Responses:* 88,306.

*Estimated Total Annual Burden Hours:* 221,121 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

| Type of respondent | Form name/form number | Number of respondents | Number of responses per respondent | Total number of responses | Avg. burden per response (in hours) | Total annual burden (in hours) | Avg. hourly wage rate | Total annual respondent cost |
|---|---|---|---|---|---|---|---|---|
| State, Local, or Tribal Government | FEMA Form 086–0–30/Application for Participation in the National Flood Insurance. | 237 | 1 | 237 | 4 | 948 | $42.43 | $40,224 |
| State, Local, or Tribal Government | Floodplain Development Documentation | 20,107 | 4.38 | 88,069 | 2.5 | 220,173 | 42.43 | 9,341,940.30 |
| | | 20,344 | | 88,306 | | 221,121 | | 9,382,164.30 |

• **Note:** The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

*Estimated Cost:* The estimated annual cost to respondents for the hour burden is $9,382,164.30. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $74,788.

**Comments**

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: March 11, 2014.

**Charlene D. Myrthil,**

*Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. 2014–06296 Filed 3–21–14; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–3369–EM; Docket ID FEMA–2014–0003]**

### South Carolina; Amendment No. 1 to Notice of an Emergency Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of an emergency declaration for the State of South Carolina (FEMA–3369–EM), dated February 12, 2014, and related determinations.

**DATES:** *Effective Date:* February 19, 2014.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this emergency is closed effective February 19, 2014.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2014–06290 Filed 3–21–14; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1407]**

### Changes in Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

**DATES:** These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

**ADDRESSES:** The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are

accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

| State and county | Location and case No. | Chief executive officer of community | Community map repository | Online location of letter of map revision | Effective date of modification | Community No. |
|---|---|---|---|---|---|---|
| Alabama: Jefferson | Unincorporated areas of Jefferson County (13–04–8615P). | The Honorable David Carrington, Chairman, Jefferson County Board of Commissioners, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203. | Jefferson County Courthouse, Land Development Office, 716 Richard Arrington Jr. Boulevard North, Room 202A, Birmingham, AL 35263. | *www.msc.fema.gov/lomc* ..... | April 24, 2014 .... | 010217 |
| Arizona: Maricopa | City of Phoenix (13–09–2437P). | The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003. | Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003. | *www.msc.fema.gov/lomc* ..... | April 11, 2014 .... | 040051 |
| Maricopa ..... | Town of Queen Creek (13–09–2145P). | The Honorable Gail Barney, Mayor, Town of Queen Creek, 22350 South Ellsworth Road, Queen Creek, AZ 85142. | Town Hall, 22350 South Ellsworth Road, Queen Creek, AZ 85142. | *www.msc.fema.gov/lomc* ..... | April 18, 2014 .... | 040132 |
| Maricopa ..... | Unincorporated areas of Maricopa County (13–09–2145P). | The Honorable Andy Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003. | Maricopa County Flood Control District, 2801 West Durango Street, Phoenix, AZ 85009. | *www.msc.fema.gov/lomc* ..... | April 18, 2014 .... | 040037 |
| Santa Cruz ..... | Town of Patagonia (13–09–2232P). | The Honorable Ike Isakson, Mayor, Town of Patagonia, P.O. Box 767, Patagonia, AZ 85624. | Town Clerk's Office, 310 West McKeown Avenue, Patagonia, AZ 85624. | *www.msc.fema.gov/lomc* ..... | April 9, 2014 ..... | 040092 |
| Santa Cruz ..... | Unincorporated areas of Santa Cruz County (13–09–2232P). | The Honorable Manuel Ruiz, Chairman, Santa Cruz County Board of Supervisors, 2150 North Congress Drive, Nogales, AZ 85621. | Santa Cruz County Flood Control District, 2150 North Congress Drive, Nogales, AZ 85621. | *www.msc.fema.gov/lomc* ..... | April 9, 2014 ..... | 040090 |
| California: Riverside. | City of Murrieta (12–09–2519P). | The Honorable Rick Gibbs, Mayor, City of Murrieta, 1 Town Square, Murrieta, CA 92562. | Department of Public Works and Engineering, 1 Town Square, Murrieta, CA 92562. | *www.msc.fema.gov/lomc* ..... | April 7, 2014 ..... | 060751 |
| Solano ..... | City of Vacaville (13–09–3024P). | The Honorable Steve Hardy, Mayor, City of Vacaville, 650 Merchant Street, Vacaville, CA 95688. | Public Works and Engineering Department, 650 Merchant Street, Vacaville, CA 95688. | *www.msc.fema.gov/lomc* ..... | March 28, 2014 | 060373 |

| State and county | Location and case No. | Chief executive officer of community | Community map repository | Online location of letter of map revision | Effective date of modification | Community No. |
|---|---|---|---|---|---|---|
| Colorado: Adams | City of Commerce City (13–08–1128P). | The Honorable Sean Ford, Sr., Mayor, City of Commerce City, 7887 East 60th Avenue, Commerce City, CO 80022. | City Hall, 5291 East 60th Avenue, Commerce City, CO 80022. | *www.msc.fema.gov/lomc* | April 25, 2014 | 080006 |
| Denver | City and County of Denver (13–08–0942P). | The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202. | Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202. | *www.msc.fema.gov/lomc* | May 5, 2014 | 080046 |
| El Paso | City of Colorado Springs (13–08–0960P). | The Honorable Steve Bach, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903. | Floodplain Administrator, 2880 International Circle, Colorado Springs, CO 80910. | *www.msc.fema.gov/lomc* | April 11, 2014 | 080060 |
| El Paso | Unincorporated areas of El Paso County (13–08–0960P). | The Honorable Dennis Hisey, Chairman, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903. | El Paso County Floodplain Administrator, 2880 International Circle, Colorado Springs, CO 80910. | *www.msc.fema.gov/lomc* | April 11, 2014 | 080059 |
| Florida: Brevard | City of Cocoa Beach (13–04–4473P). | The Honorable Dave Netterstrom, Mayor, City of Cocoa Beach, 2 South Orlando Avenue, Cocoa Beach, FL 32931. | City Hall, 2 South Orlando Avenue, Cocoa Beach, FL 32931. | *www.msc.fema.gov/lomc* | May 5, 2014 | 125097 |
| Brevard | Unincorporated areas of Brevard County (13–04–4473P). | The Honorable Andy Anderson, Brevard County Commissioner, 2725 Judge Fran Jamieson Way, Viera, FL 32940. | Brevard County Public Works Department, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940. | *www.msc.fema.gov/lomc* | May 5, 2014 | 125092 |
| Broward | Town of Lauderdale-By-The-Sea (13–04–6349P). | The Honorable Roseann Minnet, Mayor, Town of Lauderdale-By-The-Sea, 4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308. | Town Hall, 4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308. | *www.msc.fema.gov/lomc* | April 18, 2014 | 125123 |
| Charlotte | Unincorporated areas of Charlotte County (13–04–5518P). | The Honorable Christopher Constance, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948. | Charlotte County Community Development Department, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948. | *www.msc.fema.gov/lomc* | April 18, 2014 | 120061 |
| Charlotte | Unincorporated areas of Charlotte County (13–04–7424P). | The Honorable Christopher Constance, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948. | Charlotte County Community Development Department, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948. | *www.msc.fema.gov/lomc* | March 28, 2014 | 120061 |
| Escambia | Unincorporated areas of Escambia County (13–04–5547P). | The Honorable Gene M. Valentino, Chairman, Escambia County Board of Commissioners, 221 Palafox Place, Suite 400, Pensacola, FL 32502. | Escambia County Development Services Department, 3363 West Park Place, Pensacola, FL 32505. | *www.msc.fema.gov/lomc* | May 12, 2014 | 120080 |
| Miami-Dade | City of Sunny Isles Beach (13–04–6621P). | The Honorable Norman S. Edelcup, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Suite 250, Sunny Isles Beach, FL 33160. | City Hall, 18070 Collins Avenue, Suite 250, Sunny Isles Beach, FL 33160. | *www.msc.fema.gov/lomc* | March 28, 2014 | 120688 |
| Monroe | Unincorporated areas of Monroe County (13–04–5320P). | The Honorable George Neugent, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040. | Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050. | *www.msc.fema.gov/lomc* | March 14, 2014 | 125129 |
| Orange | City of Orlando (13–04–7164P). | The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32808. | Permitting Services Department, 400 South Orange Avenue, Orlando, FL 32801. | *www.msc.fema.gov/lomc* | April 25, 2014 | 120186 |

| State and county | Location and case No. | Chief executive officer of community | Community map repository | Online location of letter of map revision | Effective date of modification | Community No. |
|---|---|---|---|---|---|---|
| Pinellas | City of Treasure Island (13–04–6622P). | The Honorable Robert Minning, Mayor, City of Treasure Island, 120 108th Avenue, Treasure Island, FL 33706. | Building Department, 120 108th Avenue, Treasure Island, FL 33706. | *www.msc.fema.gov/lomc* | April 3, 2014 | 125153 |
| Sumter | Unincorporated areas of Sumter County (13–04–4550P). | The Honorable Doug Gilpin, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785. | Sumter County Planning Department, 7375 Powell Road, Wildwood, FL 34785. | *www.msc.fema.gov/lomc* | April 11, 2014 | 120296 |
| Georgia: Fannin | Unincorporated areas of Fannin County (13–04–3830P). | The Honorable Bill Simonds, Chairman, Fannin County Board of Commissioners, 400 West Main Street, Suite 100, Blue Ridge, GA 30513. | Fannin County Government Center, 400 West Main Street, Suite 100, Blue Ridge, GA 30513. | *www.msc.fema.gov/lomc* | March 27, 2014 | 130249 |
| Fulton | City of Roswell (13–04–3682P). | The Honorable Jere Wood, Mayor, City of Roswell, 38 Hill Street, Suite 235, Roswell, GA 30075. | Public Works and Environmental Department, 38 Hill Street, Suite 235 Roswell, GA 30075. | *www.msc.fema.gov/lomc* | April 18, 2014 | 130088 |
| Jackson | City of Jefferson (13–04–5609P). | The Honorable Jim Joiner, Mayor, City of Jefferson, 147 Athens Street, Jefferson, GA 30549. | City Hall, 147 Athens Street, Jefferson, GA 30549. | *www.msc.fema.gov/lomc* | May 1, 2014 | 130112 |
| Nebraska: Lancaster. | City of Lincoln (13–07–2463P). | The Honorable Chris Beutler, Mayor, City of Lincoln, 555 South 10th Street, Suite 301, Lincoln, NE 68508. | Building and Safety Department, 555 South 10th Street, Lincoln, NE 68508. | *www.msc.fema.gov/lomc* | May 5, 2014 | 315273 |
| North Carolina: Avery. | Unincorporated Areas of Avery County (14–04–0128P). | The Honorable Kenny Poteat, Chairman, Avery County Board of Commissioners, P.O. Box 640, Newland, NC 28657. | Avery County Planning and Inspections Department, 200 Montezuma Street, Newland, NC 28657. | *www.msc.fema.gov/lomc* | April 25, 2014 | 370010 |
| Buncombe | Town of Black Mountain (14–04–0350P). | The Honorable Carl Bartlett, Mayor, Town of Black Mountain, 160 Midland Avenue, Black Mountain, NC 28711. | Planning and Development Department, 160 Midland Avenue, Black Mountain, NC 28711. | *www.msc.fema.gov/lomc* | April 25, 2014 | 370033 |
| Lee | Unincorporated areas of Lee County (14–04–0349P). | Mr. John Crumpton, Lee County Manager, 408 Summit Drive, Sanford, NC 27330. | Lee County GIS Strategic Services Office, 408 Summit Drive, Sanford, NC 27330. | *www.msc.fema.gov/lomc* | April 21, 2014 | 370331 |
| South Carolina: Charleston. | City of Charleston (13–04–6316P). | The Honorable Joseph P. Riley, Jr., Mayor, City of Charleston, P.O. Box 652, Charleston, SC 29402. | Department of Public Services, 75 Calhoun Street, 3rd Floor, Charleston, SC 29401. | *www.msc.fema.gov/lomc* | May 5, 2014 | 455412 |
| Charleston | Unincorporated areas of Charleston County (13–04–7776P). | The Honorable Teddie E. Pryor, Sr., Chairman, Charleston County Council, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405. | Charleston County Building Services Department, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405. | *www.msc.fema.gov/lomc* | March 28, 2014 | 455413 |
| South Dakota: Lawrence. | City of Deadwood (13–08–1250P). | The Honorable Charles Turbiville, Mayor, City of Deadwood, 102 Sherman Street, Deadwood, SD 57732. | Planning and Zoning Department, 108 Sherman Street, Deadwood, SD 57732. | *www.msc.fema.gov/lomc* | April 7, 2014 | 460045 |

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 7, 2014.

**Roy Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2014–06287 Filed 3–21–14; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2014–0002]**

### Final Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final notice.

**SUMMARY:** Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports

have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

**DATES:** The effective date of May 5, 2014 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

**ADDRESSES:** The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information exchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.* The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

| Community | Community Map Repository Address |
|---|---|
| **La Paz County, Arizona, and Incorporated Areas<br>Docket No.: FEMA–B–1276** | |
| Unincorporated Areas of La Paz County | La Paz County Planning and Zoning Department, 1112 Joshua Avenue, Suite 202, Parker, AZ 85344. |
| **Bryan County, Georgia, and Incorporated Areas<br>Docket No.: FEMA–B–1296** | |
| City of Pembrooke | City Hall, 160 North Main Street, Pembrooke, GA 31321. |
| Unincorporated Areas of Bryan County | Bryan County Planning and Zoning Department, 51 North Courthouse Street, Pembroke, GA 31321. |
| **Liberty County, Georgia, and Incorporated Areas<br>Docket No.: FEMA–B–1296** | |
| City of Flemington | City Hall, 156 Old Sunbury Road, Flemington, GA 31309. |
| City of Gum Branch | City Hall, 5334 Highway 196 West, Gum Branch, GA 31310. |
| City of Hinesville | Inspections Department, 115 East M.L. King, Jr. Drive, Hinesville, GA 31313. |
| City of Walthourville | City Hall, 222 Busbee Road, Walthourville, GA 31333. |
| Town of Allenhurst | Town Hall, 4063 West Oglelthorpe Highway, Allenhurst, GA 31301. |
| Unincorporated Areas of Liberty County | Liberty County Consolidated Planning Commission, 100 Main Street, Suite 1220, Hinesville, GA 31313. |
| **Long County, Georgia, and Incorporated Areas<br>Docket No.: FEMA–B–1296** | |
| City of Ludowici | City Hall, 469 North Main Street, Ludowici, GA 31316. |
| Unincorporated Areas of Long County | Long County Code Enforcement Office, 459 South McDonald Street, Ludowici, GA 31316. |
| **Pulaski County, Indiana, and Incorporated Areas<br>Docket No.: FEMA–B–1284** | |
| Town of Medaryville | Town Hall, 409 East Main Street, Medaryville, IN 47957. |
| Town of Monterey | Town Hall, 7033 North Walnut Street, Monterey, IN 46960. |
| Town of Winamac | Municipal Offices, 120 West Main Street, Winamac, IN 46996. |
| Unincorporated Areas of Pulaski County | Pulaski County Building Department, 125 South Riverside Drive, Suite 150, Winamac, IN 46996. |
| **Clay County, Kansas, and Incorporated Areas<br>Docket No.: FEMA–B–1310** | |
| City of Clay Center | City Hall, 427 Court Street, Clay Center, KS 67432. |
| City of Green | City Hall, 106 Dixon Avenue, Green, KS 67447. |
| City of Longford | City Hall, 102 Weda Street, Longford, KS 67458. |

| Community | Community Map Repository Address |
|---|---|
| City of Morganville | City Office, 101 North Main Street, Morganville, KS 67468. |
| City of Oak Hill | City Hall, 210 Spears Street, Oak Hill, KS 67432. |
| City of Wakefield | City Office, 609 Grove Street, Wakefield, KS 67487. |
| Unincorporated Areas of Clay County | Clay County Courthouse, 712 5th Street, Clay Center, KS 67432. |
| **Baltimore County, Maryland, and Incorporated Areas Docket No.: FEMA–B–1299** | |
| Unincorporated Areas of Baltimore County | Baltimore County Office Building, Department of Public Works, 111 West Chesapeake Avenue, Suite 307, Towson, MD 21204. |
| **De Soto County, Mississippi, and Incorporated Areas Docket No.: FEMA–B–1296** | |
| City of Hernando | City Hall, 475 West Commerce Street, Hernando, MS 38632. |
| City of Horn Lake | City Hall, Planning Department, 2285 Goodman Road, Horn Lake, MS 38637. |
| City of Olive Branch | Planning and Building Department, 9150 Pigeon Roost Road, Olive Branch, MS 38654. |
| City of Southhaven | Engineering Department, 8710 Northwest Drive, Southaven, MS 38671. |
| Unincorporated Areas of De Soto County | De Soto County Geographic Information Systems, 365 Losher Street, Suite 200, Hernando, MS 38632. |
| **Pleasants County, West Virginia, and Incorporated Areas Docket No.: FEMA–B–1310** | |
| City of St. Mary's | Court House, 418 Second Street, St. Mary's, WV 26170. |
| City of Belmont | Court House, 218 Main Street, Belmont, WV 26134. |
| Unincorporated Areas of Pleasants County | Pleasants County Court House, 301 Court Lane, Suite 101, St. Mary's, WV 26170. |

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 31, 2014.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2014–06285 Filed 3–21–14; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

## Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4164–DR; Docket ID FEMA–2014–0003]**

## Oklahoma; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4164–DR), dated January 30, 2014, and related determinations.

**DATES:** *Effective Date:* January 30, 2014.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated January 30, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from a severe winter storm during the period of December 5–6, 2013, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Sandy Coachman, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oklahoma have been designated as adversely affected by this major disaster:

Choctaw, Le Flore, McCurtain, and Pushmataha Counties for Public Assistance.

All counties within the State of Oklahoma are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036,

Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2014–06292 Filed 3–21–14; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4162–DR; Docket ID FEMA–2014–0003]**

### Alaska; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4162–DR), dated January 23, 2014, and related determinations.

**DATES:** *Effective Date:* January 23, 2014.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated January 23, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from severe storms, straight-line winds, and flooding during the period of November 5–14, 2013, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Alaska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Alaska have been designated as adversely affected by this major disaster:

Bering Strait Regional Education Attendance Area (REAA), Fairbanks North Star Borough, Lower Kuskokwim REAA, and Lower Yukon REAA for Public Assistance.

All boroughs and REAAs within the State of Alaska are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2014–06294 Filed 3–21–14; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4163–DR; Docket ID FEMA–2014–0003]**

### Vermont; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA–4163–DR), dated January 29, 2014, and related determinations.

**DATES:** *Effective Date:* January 29, 2014.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated January 29, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Vermont resulting from severe winter storms during the period of December 20–26, 2013, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Vermont.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to Section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Vermont have been designated as adversely affected by this major disaster:

Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, and Orleans Counties for Public Assistance.

All counties within the State of Vermont are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2014–06283 Filed 3–21–14; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4161–DR; Docket ID FEMA–2014–0003]**

### Alaska; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4161–DR), dated January 16, 2014, and related determinations.

**DATES:** *Effective Date:* January 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated January 16, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from flooding during the period of October 27–28, 2013, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Alaska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to Section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following area in the State of Alaska has been designated as adversely affected by this major disaster:

The Kenai Peninsula Borough for Public Assistance.

All boroughs and REAAs within the State of Alaska are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2014–06281 Filed 3–21–14; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

**[1651–0028]**

### Agency Information Collection Activities: Cost Submission

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; extension of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Cost Submission. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before April 23, 2014 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** This proposed information collection was previously published in the **Federal Register** (79 FR 3843) on January 23, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13;

44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

*Title:* Cost Submission.

*OMB Number:* 1651–0028.

*Form Number:* CBP Form 247.

*Abstract:* The information collected on Form 247, Cost Submission, is used by CBP to assist in correctly calculating the duty on imported merchandise. This form includes details on actual costs and helps CBP determine which costs are dutiable and which are not. This collection of information is provided for by subheadings 9801.00.10, 9802.00.40, 9802.00.50, 9802.00.60 and 9802.00.80 of the Harmonized Tariff Schedule of the United States (HTSUS) and by 19 CFR 10.11–10.24, 19 CFR 141.88 and 19 CFR 152.106. Form 247 can be found at *http://www.cbp.gov/xp/cgov/toolbox/forms/.*

*Current Actions:* This submission is being made to extend the expiration date with no change to the burden hours.

*Type of Review:* Extension (without change).

*Affected Public:* Businesses.

*Estimated Number of Respondents:* 1000.

*Estimated time per Response:* 50 hours.

*Estimated Total Annual Burden Hours:* 50,000.

Dated: March 19, 2014.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2014–06427 Filed 3–21–14; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

**[1651–0131]**

### Agency Information Collection Activities: e-Allegations Submission

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; extension of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: e-Allegations Submission. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before April 23, 2014 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** This proposed information collection was previously published in the **Federal Register** (79 FR 3843) on January 23, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

*Title:* e-Allegations Submission.

*OMB Number:* 1651–0131.

*Abstract:* In the interest of detecting trade violations to customs laws, Customs and Border Protection (CBP) established the e-Allegations Web site to provide a means for concerned members of the trade community to confidentially report violations to CBP. The e-Allegations site allows the public to submit pertinent information that assists CBP in its decision whether or not to pursue the alleged violations by initiating an investigation. The information collected includes the name, phone number and email address of the member of the trade community reporting the alleged violation. It also includes a description of the alleged violation, and the name and address of the potential violators. The e-Allegations Web site is accessible at *https://apps.cbp.gov/eallegations/.*

*Current Actions:* This submission is being made to extend the expiration date with no change to the burden hours. There is no change to the information being collected.

*Type of Review:* Extension (without change).

*Affected Public:* Businesses, Individuals.

*Estimated Number of Respondents:* 1,600.

*Estimated Number of Total Annual Responses:* 1,600.

*Estimated Time per Response:* 15 minutes.

*Estimated Total Annual Burden Hours:* 400.

Dated: March 19, 2014.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2014–06424 Filed 3–21–14; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5759–N–06]**

## 60-Day Notice of Proposed Information Collection: Requirement for Contractors To Provide Certificates of Insurance for Capital Program Projects

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* May 23, 2014.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

**FOR FURTHER INFORMATION CONTACT:** Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

### A. Overview of Information Collection

*Title of Information Collection:* Requirement for Contractors to Provide Certificates of Insurance for Capital Program Projects.

*OMB Approval Number:* 2577–0046.

*Type of Request:* Extension of a currently approved collection.

*Form Number:* Not applicable.

*Description of the need for the information and proposed use:* Public Housing Agencies must obtain certificates of insurance from contractors and subcontractors before beginning work under either the development of a new low-income public housing project or the modernization of an existing project. The certificates of insurance provide evidence that worker's compensation and general liability, automobile liability insurance are in force before any construction work is started.

*Respondents:* Business or other For-Profit, State, Local or Tribal Government.

TOTAL ESTIMATED BURDENS

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|---|---|---|---|---|---|---|---|
| 2577–0046 .. | 3,000 | 4 | 12,000 | 0.5 | 6,000 | $25 | $150,000 |
| Total ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35.

Dated: March 17, 2014.

**Merrie Nichols-Dixon,**

*Deputy Director, Office of Policy, Programs and Legislative Initiatives.*

[FR Doc. 2014–06390 Filed 3–21–14; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5756–N–07]**

## 60-Day Notice of Proposed Information Collection: Application for Fee or Roster Personnel (Appraisers and Inspectors) Designation and Appraisal Reports

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* May 23, 2014.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

**FOR FURTHER INFORMATION CONTACT:** Patricia McClung, Acting Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Ada Bohorfosh at *ada.l.bohorfoush@hud.gov* or telephone 202–402–4308. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. McClung.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

### A. Overview of Information Collection

*Title of Information Collection:* Application for Fee or Roster Personnel (Appraisers and Inspectors) Designation and Appraisal Reports.

*OMB Approval Number:* 2502–0538.

*Type of Request:* Extension.

*Form Numbers:* HUD 92563A, HUD 92563I, HUD 92564–CN Fannie Mae Forms: 1004,1004c, 1025, 1073, 1075, 2055 and 1004MC.

*Description of the need for the information and proposed use:* Accurate and thorough appraisal reporting is critical to the accuracy of underwriting for the mortgage insurance process. The need for accuracy is increased for FHA insured mortgages since buyers tend to have more limited income and lower equity in the properties. This collection of information provides a more thorough and complete appraisal of prospective HUD-insured single-family properties ensuring that mortgages are acceptable for FHA insurance and thereby protect the interest of HUD, the taxpayers, and the FHA insurance fund. The collection allows HUD to maintain an effective appraisal program with the ability to discipline appraisers and inform potential homeowners of the benefits of purchasing an independent home inspection.

*Respondents* (i.e. affected public): Business.

*Estimated Number of Respondents:* 17,162.

*Estimated Number of Responses:* 467,162.

*Frequency of Response:* On occasion.

*Average Hours per Response:* .05.

*Total Estimated Burdens:* 24,783.

### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 13, 2014.

**Laura M. Marin,**

*Associate General Deputy Assistant Secretary for Housing—Associate Deputy Federal Housing Commissioner.*

[FR Doc. 2014–06362 Filed 3–21–14; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF THE INTERIOR

## National Park Service

**[NPS–WASO–NAGPRA–14952; PPWOCRADN0–PCU00RP14.R50000]**

## Notice of Inventory Completion: History Colorado, Formerly Colorado Historical Society, Denver, CO

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** History Colorado, formerly Colorado Historical Society, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to History Colorado at the address in this notice by April 23, 2014.

**ADDRESSES:** Sheila Goff, NAGPRA Liaison, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4561, email *sheila.goff@state.co.us*.

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of History Colorado, Denver, CO. One set of remains was received from the El Paso County Coroner. They were recovered from the Dry Lakes region of the San Luis Valley, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

### Consultation

A detailed assessment of the human remains was made by History Colorado professional staff in consultation with representatives of the Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico;

Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Indian Reservation, Colorado; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta del Sur Pueblo of Texas; and the Zuni Tribe of the Zuni Reservation, New Mexico.

The Apache Tribe of Oklahoma; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Pueblo of Picuris, New Mexico; Pueblo of San Ildefonso, New Mexico; and the Pueblo of Tesuque, New Mexico were invited to consult, but did not participate. Hereafter, all tribes listed in this section are referred to as ''The Consulted and Invited Tribes.''

**History and Description of the Remains**

In 1951, human remains representing, at minimum, one individual were removed from an unknown archaeological site in the Dry Lakes region of the San Luis Valley, CO, by a private citizen. The citizen's nephew discovered them while executing the citizen's estate and turned them over to the El Paso County Coroner in May 2013. He ruled out a forensic interest in the human remains and turned them over to the Office of the State Archaeologist (OSAC), where they are identified as Office of Archaeology and Historic Preservation (OAHP) Case Number 294. Osteological analysis by Dr. Catherine Gaither indicates that the human remains are likely of Native American ancestry. No known individuals were identified. No associated funerary objects are present.

History Colorado, in partnership with the Colorado Commission of Indian Affairs, Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah, conducted tribal consultations among the tribes with ancestral ties to the State of Colorado to develop the process for disposition of culturally unidentifiable Native American human remains and associated funerary objects originating from inadvertent discoveries on Colorado State and private lands. As a result of the consultation, a process was developed, *Process for Consultation, Transfer, and Reburial of Culturally Unidentifiable Native American Human Remains and Associated Funerary Objects Originating From Inadvertent Discoveries on Colorado State and Private Lands,* (2008, unpublished, on file with the Colorado Office of Archaeology and Historic Preservation). The tribes consulted are those who have expressed their wishes to be notified of discoveries in the Southwest Consultation Region as established by the *Process,* where this individual originated.

The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains. On November 3–4, 2006, the *Process* was presented to the Review Committee for consideration. A January 8, 2007, letter on behalf of the Review Committee from the Designated Federal Officer transmitted the provisional authorization to proceed with the *Process* upon receipt of formal responses from the Jicarilla Apache Nation, New Mexico, and the Kiowa Indian Tribe of Oklahoma, subject to forthcoming conditions imposed by the Secretary of the Interior. On May 15–16, 2008, the responses from the Jicarilla Apache Nation, New Mexico, and the Kiowa Indian Tribe of Oklahoma were submitted to the Review Committee. On September 23, 2008, the Assistant Secretary for Fish and Wildlife and Parks, as the designee for the Secretary of the Interior, transmitted the authorization for the disposition of culturally unidentifiable human remains according to the *Process* and NAGPRA, pending publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

43 CFR 10.11 was promulgated on March 15, 2010, to provide a process for the disposition of culturally unidentifiable Native American human remains recovered from tribal or aboriginal lands as established by the final judgment of the Indian Claims Commission or U.S. Court of Claims, a treaty, Act of Congress, or Executive Order, or other authoritative governmental sources. As there is no evidence indicating that the human remains reported in this notice originated from tribal or aboriginal lands, they are eligible for disposition under the *Process.*

**Determinations Made by History Colorado**

Officials of History Colorado have determined that:

- Based on osteological analysis, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Pursuant to 43 CFR 10.11(c)(2)(ii) and the *Process,* the disposition of the human remains may be to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

**Additional Requestors and Disposition**

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Sheila Goff, NAGPRA Liaison, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us* by April 23, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may proceed.

History Colorado is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: February 3, 2014.

**David Tarler,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2014–06278 Filed 3–21–14; 8:45 am]

BILLING CODE 4312–50–P

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## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NAGPRA–14951; PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Inventory Completion: History Colorado, Formerly Colorado Historical Society, Denver, CO

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** History Colorado, formerly Colorado Historical Society, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural

affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to History Colorado at the address in this notice by April 23, 2014.

**ADDRESSES:** Sheila Goff, NAGPRA Liaison, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4561, email *sheila.goff@state.co.us.*

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of History Colorado, Denver, CO. One set of remains was received from the Pueblo County Coroner. The exact location from which the set of human remains was recovered is unknown.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

## Consultation

A detailed assessment of the human remains was made by History Colorado professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Cheyenne River Sioux Tribe of the Cheyenne River Sioux Reservation, South Dakota; Comanche Nation, Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Pawnee Nation of Oklahoma; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Zia, New Mexico; Shoshone-Bannock Tribes of the Fort Hall Reservation; Southern Ute Indian Tribe of the Southern Ute Indian Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Ysleta del Sur Pueblo of Texas; and the Zuni Tribe of the Zuni Reservation, New Mexico.

The Apache Tribe of Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Fort Sill Apache Tribe of Oklahoma; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Pueblo of Picuris, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Tesuque, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shoshone Tribe of the Wind River Reservation, Wyoming; and the Standing Rock Sioux Tribe of North & South Dakota were invited to consult, but did not participate. Hereafter, all tribes listed in this section are referred to as ''The Consulted and Invited Tribes.''

## History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from an unknown location or locations by a private citizen. Approximately ten years ago, the remains were confiscated by a retired county sheriff who held them in his possession until shortly before his death when they were taken into custody by the Pueblo County Sheriff. The Pueblo County Coroner ruled out a forensic interest in the human remains and in April 2013, turned them over to the Office of the State Archaeologist (OSAC), where they are identified as Office of Archaeology and Historic Preservation (OAHP) Case Number 293. Osteological analysis by Dr. Catherine Gaither indicates that the human remains are consistent with archeological materials and are likely of Native American ancestry. No known individuals were identified. No associated funerary objects are present.

History Colorado, in partnership with the Colorado Commission of Indian Affairs, Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah, conducted tribal consultations among the tribes with ancestral ties to the State of Colorado to develop the process for disposition of culturally unidentifiable Native American human remains and associated funerary objects originating from inadvertent discoveries on Colorado State and private lands. As a result of the consultation, a process was developed, *Process for Consultation, Transfer, and Reburial of Culturally Unidentifiable Native American Human Remains and Associated Funerary Objects Originating From Inadvertent Discoveries on Colorado State and Private Lands,* (2008, unpublished, on file with the Colorado Office of Archaeology and Historic Preservation). The tribes consulted are those who have ancestral ties to Colorado, based on the limited provenience information.

The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains. On November 3–4, 2006, the *Process* was presented to the Review Committee for consideration. A January 8, 2007, letter on behalf of the Review Committee from the Designated Federal Officer transmitted the provisional authorization to proceed with the *Process* upon receipt of formal responses from the Jicarilla Apache Nation, New Mexico, and the Kiowa Indian Tribe of Oklahoma, subject to forthcoming conditions imposed by the Secretary of the Interior. On May 15–16, 2008, the responses from the Jicarilla Apache Nation, New Mexico, and the Kiowa Indian Tribe of Oklahoma were submitted to the Review Committee. On

September 23, 2008, the Assistant Secretary for Fish and Wildlife and Parks, as the designee for the Secretary of the Interior, transmitted the authorization for the disposition of culturally unidentifiable human remains according to the *Process* and NAGPRA, pending publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

43 CFR 10.11 was promulgated on March 15, 2010, to provide a process for the disposition of culturally unidentifiable Native American human remains recovered from tribal or aboriginal lands as established by the final judgment of the Indian Claims Commission or U.S. Court of Claims, a treaty, Act of Congress, or Executive Order, or other authoritative governmental sources. As there is no evidence indicating that the human remains reported in this notice originated from tribal or aboriginal lands, they are eligible for disposition under the *Process.*

**Determinations Made by History Colorado**

Officials of History Colorado have determined that:

- Based on osteological analysis, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Pursuant to 43 CFR 10.11(c)(2)(ii) and the *Process,* the disposition of the human remains may be to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

**Additional Requestors and Disposition**

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Sheila Goff, NAGPRA Liaison, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us* by April 23, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may proceed.

History Colorado is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: February 3, 2014.

**David Tarler,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2014–06275 Filed 3–21–14; 8:45 am]

BILLING CODE 4312–50–P

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## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NAGPRA–15079; PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and the Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Interior, Bureau of Indian Affairs and the Thomas Burke Memorial Washington State Museum, University of Washington (Burke Museum), have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by April 23, 2014.

**ADDRESSES:** Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343.

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs and in the physical custody of the Burke Museum. The human remains and associated funerary objects were removed from Okanogan County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

**Consultation**

A detailed assessment of the human remains and associated funerary objects was made by the U.S. Department of the Interior, Bureau of Indian Affairs and the Burke Museum professional staff in consultation with representatives of the Confederated Tribes of the Colville Reservation.

**History and Description of the Remains**

In 1950, human remains representing, at minimum, one individual were removed from site 45–OK–10 in the Chief Joseph Reservoir, Okanogan County, WA. The site (45–OK–10) is located within the current boundaries of the Confederated Tribes of the Colville Reservation. The human remains and associated funerary objects were collected on a University of Washington Field Party possibly under the direction of Douglas Osborne, as a part of archeological investigations in Okanogan County in the Chief Joseph Reservoir. The human remains and associated funerary objects were received by the Burke Museum in 1950 (Burke Accn. #1966–92). No known individuals were identified. The 10 associated funerary objects include 1 lot of nails, 3 lots of unmodified wood and soil, 1 metal picture frame, 1 metal object (possible pillbox), 1 ceramic knob, 1 spoon, 1 composite artifact bag containing metal and fabric fragments, and 1 bag of fabric.

Geographic, historic, and anthropological evidence indicates that the human remains are Native American. The site (45–OK–10) is located within the current boundaries of the Confederated Tribes of the Colville Reservation. This area was historically and prehistorically occupied by the Interior Salishan group, the Nespelem. The artifacts from the site include both pre- and post-contact materials. A trade button dating between 1830–1845 was found at the site and indicates occupation during the historic time period. The site is located between two major Hudson's Bay Company Forts, Fort Okanogan, which was in operation between 1812 to 1860, and Fort Colville, which was in operation between 1825–1870. There were few Euro-American settlers in the area until after 1900 (Osborne, Crabtree, and Brian 1952). Sites in the surrounding area (45OK159 and 45OK7) include historic funerary objects associated with Native American burials (Cook 2013). The Nespelem traditionally occupied the area surrounding the Nespelem River and the Columbia River to the confluence with the Okanogan River (Ruby and Brown 2010). The Nespelem speak Interior Salish. Today, the Nespelem are represented by the Confederated Tribes of the Colville Reservation.

**Determinations Made by the U.S. Department of the Interior, Bureau of Indian Affairs and the Burke Museum**

Officials of the U.S. Department of the Interior, Bureau of Indian Affairs, and the Burke Museum have determined that:

- Based on historic, geographic, and anthropological evidence, the human remains have been determined to be Native American.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the ten objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Confederated Tribes of the Colville Reservation.

**Additional Requestors and Disposition**

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, by April 23, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Confederate Tribes of the Colville Reservation may proceed.

The U.S. Department of the Interior, Bureau of Indian Affairs, is responsible for notifying the Confederated Tribes of the Colville Reservation that this notice has been published.

Dated: February 19, 2014.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2014–06273 Filed 3–21–14; 8:45 am]

BILLING CODE 4310–50–P

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## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NAGPRA–15090;PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Intent To Repatriate Cultural Items: U.S. Department of Agriculture, Forest Service, Coconino National Forest, Flagstaff, AZ

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture (USDA), Forest Service, Coconino National Forest, in consultation with the appropriate Indian tribes, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Representatives of any Indian tribe not identified in this notice that wish to claim these cultural items should submit a written request to the USDA Forest Service, Southwestern Region. If no additional claimants come forward, transfer of control of the cultural items to the Indian tribes stated in this notice may proceed.

**DATES:** Representatives of any Indian tribe not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the USDA Forest Service, Southwestern Region, at the address in this notice by April 23, 2014.

**ADDRESSES:** Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102, telephone (505) 842–3238, email *fwozniak@fs.fed.us.*

**SUPPLEMENTARY INFORMATION:** Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the USDA Forest Service, Coconino National Forest, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

**History and Description of the Cultural Item(s)**

All cultural items described below were removed from lands administered by the USDA Forest Service in Coconino County, AZ, between 1934 and 1955. These items were collected by private individuals without permission or knowledge of the USDA Forest Service. Records kept by the individuals provide substantive evidence that the items were recovered in association with human remains from prehistoric archeological sites. The human remains were not collected, so these items are considered unassociated funerary objects. In 1981, these items were donated to a private museum, where they are currently housed, with the USDA Forest Service retaining legal control of the items. The site names listed below were used by the private individuals and are not official Forest Service site designations, except where noted.

In 1934, one ceramic vessel was removed from Big Ruin and one ceramic vessel was removed from Blind Ruin. In 1935, 10 ceramic vessels were removed from Dead Robin and one turquoise bead and one turquoise pendant were removed from Top of Hill. In 1936, five ceramic vessels, two shells and one painted conus shell were removed from an unnamed site. In 1937, one ceramic vessel and one bone awl were removed from an unnamed site. In 1938, five ceramic vessels were removed from an unnamed site and one ceramic vessel and one shell bracelet were removed from Two Handles. In 1939, one ceramic vessel was removed from Cold Banana, three ceramic vessels were moved from Big Tub, and two ceramic vessels were removed from Saddle (known as New Caves Hill by the USDA Forest Service).

In 1940, 15 ceramic vessels were removed from 53 Ruin and nine ceramic vessels were removed from L.F. 1. In 1941, nine ceramic vessels, one shell necklace, and one projectile point were removed from Broken Fence and one shell object was removed from Keaster #1. In 1942, two ceramic vessels were removed from Cremation Ruin. In 1945, two ceramic vessels were removed from Mikes Mortuary. In 1946, 12 ceramic vessels were removed from 3/29/36 Ruin and one ceramic vessel was removed from Mikes Mortuary. In 1950, two ceramic vessels were removed from Old Caves Hill (the USDA Forest Service site name). In 1951, eight ceramic vessels were removed from Lost Plate. In 1952, 69 unassociated funerary objects were removed from an unnamed site; these consist of five ceramic vessels, four carved or worked bone items, 18 turquoise pendants, four shell necklaces, two strands of turquoise and argillite beads, five turquoise tesserae, four carved shell medallions, one stone medallion, one copper bead, three mosaic pieces, three stone or shell beads, three nose plugs, six crystals, two shells, one projectile point, one painted bark wand, and six unmodified rocks. In 1955, two ceramic vessels were removed from Stone Crusher and one ceramic vessel was removed from Big Ruin.

The USDA Forest Service completed a cultural affiliation assessment in 1996 for prehistoric archeological remains in the Coconino County, AZ, region. The unassociated funerary objects listed in this notice were removed from sites related to the Northern Sinagua archeological culture. Based on evidence relevant to archeological, anthropological, biological, geographical, oral traditions/folklore and kinship, the USDA Forest Service established that the Northern Sinagua were most closely affiliated with the modern Hopi Tribe of Arizona.

### Determinations Made by the USDA Forest Service

Officials of the USDA Forest Service have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 172 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Hopi Tribe of Arizona.

### Additional Requestors and Disposition

Representatives of any Indian tribe not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to: Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102, telephone (505) 842–3238, email *fwozniak@fs.fed.us,* by April 23, 2014. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Hopi Tribe of Arizona may proceed.

The USDA Forest Service is responsible for notifying the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: February 20, 2014.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2014–06271 Filed 3–21–14; 8:45 am]

BILLING CODE 4312–50–P

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## DEPARTMENT OF THE INTERIOR

## National Park Service

**[NPS–WASO–NAGPRA–15091;PPWOCRADN0–PCU00RP14.R50000]**

## Notice of Intent To Repatriate Cultural Items: U.S. Department of Agriculture, Forest Service, Coconino National Forest, Flagstaff, AZ

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture (USDA), Forest Service, Coconino National Forest, in consultation with the appropriate Indian tribes, has determined that the cultural items listed in this notice meet the definition of objects of cultural patrimony. Representatives of any Indian tribe not identified in this notice that wish to claim these cultural items should submit a written request to the USDA Forest Service, Southwestern Region. If no additional claimants come forward, transfer of control of the cultural items to the Indian tribes stated in this notice may proceed.

**DATES:** Representatives of any Indian tribe not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the USDA Forest Service, Southwestern Region, at the address in this notice by April 23, 2014.

**ADDRESSES:** Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102, telephone (505) 842–3238, email *fwozniak@fs.fed.us.*

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the physical custody of the Museum of Northern Arizona and under the control of the USDA Forest Service, Coconino National Forest, that meet the definition of objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

### History and Description of the Cultural Item(s)

Between 1936 and 1947, several fragments of painted wooden sticks were removed from prehistoric archeological sites on lands administered by the USDA Forest Service in Coconino County, AZ. These items were collected by private individuals without permission or knowledge of the USDA Forest Service. In 1981, these items were donated to the Museum of Northern Arizona, where they are currently housed, with the USDA Forest Service retaining legal control of the items.

The fragments of wooden sticks comprise an unknown number of whole items, but are represented by three catalog numbers at the museum (A12399, A12995, and A12998). All of the items consist of wooden sticks ranging in diameter from 1–2.5 cm but are of unknown length due to breakage. The sticks are covered with blue and green paint derived from natural mineral sources. The sticks were removed from locations referred to as 43 Ruin and Blue Stick Ruin by the private individuals who collected them, but these are not official Forest Service site names.

Consultation with anthropologists at the Museum of Northern Arizona and cultural specialists from the Hopi Tribe of Arizona indicate that these items are pahos, or prayer sticks. During consultation, the Hopi cultural specialists and personnel from the Hopi Cultural Preservation Office stated that these pahos have ongoing historical,

traditional, and cultural importance central to the Hopi Tribe and culture, rather than being property owned by an individual. The Hopi Cultural Preservation Office, representing the cultural specialists and religious leaders, has requested repatriation of these objects.

**Determinations Made by the USDA Forest Service**

Officials of the USDA Forest Service have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the three cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the objects of cultural patrimony and Hopi Tribe of Arizona.

**Additional Requestors and Disposition**

Representatives of any Indian tribe not identified in this notice that wish to claim these objects of cultural patrimony should submit a written request with information in support of the claim to Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102, telephone (505) 842–3238, email *fwozniak@fs.fed.us.,* by April 23, 2014. After that date, if no additional claimants have come forward, transfer of control of these objects of cultural patrimony to the Hopi Tribe of Arizona may proceed.

The USDA Forest Service is responsible for notifying the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2014–06270 Filed 3–21–14; 8:45 am]

BILLING CODE 4312–50–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R3–ES–2014–N037] [30120–FXHC11220300000–145]**

### Notice of Availability of Draft Habitat Conservation Plan; Receipt of Application for Incidental Take Permit; Commonwealth Edison

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

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application from Commonwealth Edison, for an incidental take permit (ITPs) under the Endangered Species Act of 1973 (ESA). If approved, the permit would authorize incidental take of the federally endangered Hine's emerald dragonfly, Illinois threatened black-billed cuckoo, and Illinois endangered Blanding's turtle and spotted turtle. The applicant has prepared a low-effect habitat conservation plan (HCP) to cover activities associated with electrical utility right-of-way maintenance in Cook, DuPage, and Will Counties, Illinois. We invite public comments on the application and draft HCP.

**DATES:** To ensure consideration, please send your written comments on or before April 23, 2014.

**ADDRESSES:** Send written comments via one of the following methods: *U.S. mail:* Field Supervisor, Attn: Louise Clemency, U.S. Fish and Wildlife Service, 1250 S. Grove, Ste. 103, Barrington, IL 60010; *Fax:* 847–381–2285; or *Email: louise_clemency@fws.gov*.

**FOR FURTHER INFORMATION CONTACT:** Kristopher Lah, 847–381–2253 (telephone); 1–800–877–8339 (TTY).

**SUPPLEMENTARY INFORMATION:** We have received an application from Commonwealth Edison (ComEd), for an incidental take permit (ITP) (TE28464B) under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; ESA). If approved, the permit would authorize incidental take of the Hine's emerald dragonfly (*Somatochlora hineana*), Illinois threatened black-billed cuckoo (*Coccyzus erythropthalmus*), and Illinois endangered Blanding's turtle (*Emydoidea blandingii*) and spotted turtle (*Clemmys guttata*) (listed species).

Under the ESA, we announce that we have gathered the information necessary to evaluate the application for permit issuance, including the HCP, which provides measures to minimize and mitigate the effects of the proposed incidental take of the listed species.

**Background**

The planning area includes 403 acres of right of way (ROW) and easements within Hine's emerald dragonfly critical habitat units 1–7 in Cook, DuPage, and Will Counties, Illinois. ComEd operates and maintains approximately 7 miles of electric transmission lines and approximately 12 miles of ROW within the planning area. The permit period is 20 years, with annual updates of information to assess if the HCP needs to be updated or amended.

ComEd's activities within the planning area include continuing line maintenance; routine inspections; performing switching operations; repairing, replacing, removing and re-locating power lines and structures; and managing vegetation under power lines. Specifically, all distribution and transmission structures located in the planning area will be either (1) relocated outside of critical habitat or (2) replaced in kind over the next 20 years as part of normal operations and planned replacement. Although all ComEd structures in the planning area have been included as part of the covered activities in this HCP, ComEd does not anticipate replacing each structure, but has provided them as a reference for planning and to determine appropriate mitigation. No work will occur within Hine's emerald dragonfly larval habitat areas. Existing and proposed paths will be used to access structures, and matting will be used in wetland areas to minimize impacts. Proposed work includes plans for access to all structures and facilities within the planning area. Measures will be implemented to mitigate take from the proposed activities.

Planned work that will occur year round without restrictions includes:

(1) Access and visual line inspections conducted on foot in wetland and upland areas.

(2) Access by foot or operational vehicles along existing trails or paths to structures or lines in upland areas.

(3) Vegetation management in upland and wetland areas that can be completed on foot.

(4) Utilizing brush hogs or similar equipment in upland areas.

(5) Stockpiling or burning piles of cut vegetation in uplands. Stockpiles will be burned as soon as possible after cutting to avoid potential impacts to turtles and other species.

(6) Spot applying herbicides on cut-stumps within wetlands within 65 feet (20 meters) of Hine's emerald dragonfly larval habitat. The only accepted herbicide within the 65-foot buffer will be one formulated for aquatic use. No surfactants or adjuvants of any kind will be added to the commercial herbicide formula that has been approved for aquatic use. Herbicide will be applied to cut-stump immediately after cutting and will be dripped onto the stump with the head of the nozzle touching the stump. Herbicides will not be applied within 72 hours of forecasted precipitation events.

(7) Maintenance of existing roads and access paths in upland areas.

Planned work that will occur outside the Hine's emerald dragonfly flight season (i.e., May 15 through September

15) each year includes: (1) Boom spraying herbicide over woody vegetation in wetland and upland areas with amphibious vehicles or all-terrain vehicles outside of Hine's emerald larval habitat; (2) Use of a helicopter to conduct inspections, maintenance, repairs and structure removal; and (3) Utilizing an Unmanned Aerial Vehicle to remotely inspect ComEd structures and equipment. These units are typically less than 4 feet across, fly between 25 and 35 mph, and weigh only a few pounds.

Planned work that will occur year round but not within Hine's emerald dragonfly larval habitat (65-foot established buffer) or within the vicinity of known leafy prairie clover and Lakeside daisy plants includes: (1) Foliar spot treatment of invasive woody species and tall-growing woody vegetation within wetlands; (2) Mowing woody vegetation with mower weighing +/- 14,000 pounds in upland areas; (3) Access by amphibious vehicles and boats at wetland locations with water levels deeper than 12 inches; (4) Crossing wetlands with amphibious vehicles (e.g., wide track vehicle) to reach a structure; (5) Access by operational vehicles on matting in wetland areas; (6) Installation and removal of matting by cranes in wetland areas; (7) Installation and removal of silt fence or other temporary sediment controls; (8) Relocation, removal, or replacement of structures; (9) Installation of structures in new locations; and (10) Ground disturbing activities.

Planned work located within 65 feet of Hine's emerald dragonfly larval habitat areas or within the vicinity of known leafy prairie clover and Lakeside daisy plants that will be limited to November 1 through March 15 includes: (1) Mowing woody vegetation with mower weighing +/- 14,000 pounds; (2) Access by operational vehicles on matting in wetland areas; (3) Use of a bridge that spans the Hine's emerald dragonfly larvae occupied rivulet; (4) Installation and removal of matting by cranes; (5) Installation and removal of silt fence or other temporary sediment controls; (6) Relocation, removal, or replacement of structures; (7) Installation of structures in new locations; and (8) Ground-disturbing activities.

## Proposed Action

Section 9 of the ESA prohibits the ''taking'' of threatened and endangered species. However, provided certain criteria are met, we are authorized to issue permits under section 10(a)(1)(B) of the ESA for take of federally listed species when, among other things, such a taking is incidental to, and not the purpose of, otherwise lawful activities. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect endangered and threatened species, or to attempt to engage in any such conduct. Our implementing regulations define ''harm'' as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Harass, as defined, means ''an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering'' (50 CFR 17.3). However, under specified circumstances, the Service may issue permits that allow the take of federally listed species, provided that the take that occurs is incidental to, but not the purpose of, an otherwise lawful activity.

Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met: (1) The taking will be incidental; (2) The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) The applicant will develop a proposed HCP and ensure that adequate funding for the HCP will be provided; (4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) The applicant will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP.

The applicant seeks an incidental take permit for proposed covered activities within 403 acres of ROW and easement within the planning area. The draft HCP analyzes take attributable to the applicant's proposed activities. If issued, the ITP would authorize potential incidental take of the listed species consistent with the applicant's HCP. To issue the permit, the Service must find that the application, including its HCP, satisfies the criteria of section 10(a)(1)(B) of the ESA and the Service's implementing regulations at 50 CFR Part 13, 17.22, and 17.32.

The FWS has determined that the ComEd HCP qualifies as a low-effect HCP, as defined by our Habitat Conservation Planning Handbook (November 1996). Determination of low-effect HCP is based on the following three criteria: (1) Implementation of the proposed HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the proposed HCP would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant.

We request comments on the ComEd permit application, including the HCP, and our preliminary determination that the HCP qualifies as a low-effect HCP, eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended (NEPA). We explain the basis for this determination in our Low Effect Screening Form, which is also available for public review, upon request. Based upon our preliminary determinations, we do not intend to prepare further NEPA documentation.

## Reviewing Documents and Submitting Comments

Please refer to permit number TE28464B when submitting comments. The permit application and supporting documents (ITP application, HCP) may be obtained on the Internet at *http://www.fws.gov/midwest/endangered/permits/hcp/r3hcps.html.*

Persons without access to the Internet may obtain copies of the draft HCP by contacting the U.S. Fish and Wildlife Service office given under **ADDRESSES**, above. The draft document will also be available for public inspection, by appointment, during normal business hours (8 a.m. to 4 p.m.) at the office given under **ADDRESSES** above.

Written comments will be accepted as described under **ADDRESSES**, above.

## Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that the entire comment, including your personal identifying information, may be made available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

## Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 et seq.) and its' implementing regulations (50 CFR 17.22), and NEPA (42 U.S.C. 4371 et seq.) and its' implementing regulations (40 CFR 1506.6; 43 CFR Part 46).

Dated: March 12, 2014.

**Lynn Lewis,**

*Assistant Regional Director, Ecological Services, Midwest Region.*

[FR Doc. 2014–06300 Filed 3–21–14; 8:45 am]

**BILLING CODE 4310–55–P**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R1–ES–2014–N050; FXES11130100000–145–FF01E00000]**

### Endangered Wildlife and Plants; Recovery Permit Applications

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for recovery permits to conduct activities with the purpose of enhancing the survival of endangered species. The Endangered Species Act of 1973, as amended (Act), prohibits certain activities with endangered species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing such permits.

**DATES:** To ensure consideration, please send your written comments by April 23, 2014.

**ADDRESSES:** Program Manager for Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181. Please refer to the permit number for the application when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Colleen Henson, Fish and Wildlife Biologist, at the above address or by telephone (503–231–6131) or fax (503–231–6243).

**SUPPLEMENTARY INFORMATION:**

## Background

The Act (16 U.S.C. 1531 et seq.) prohibits certain activities with respect to endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Act provides for certain permits, and requires that we invite public comment before issuing these permits for endangered species.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittee to conduct activities (including take or interstate commerce) with respect to U.S. endangered or threatened species for scientific purposes or enhancement of propagation or survival. Our regulations implementing section 10(a)(1)(A) of the Act for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

## Applications Available for Review and Comment

We invite local, State, and Federal agencies, and the public to comment on the following applications. Please refer to the appropriate permit number for the application when submitting comments.

Documents and other information submitted with these applications are available for review by request from the Program Manager for Restoration and Endangered Species Classification at the address listed in the **ADDRESSES** section of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

### Permit Number: TE–08913A

*Applicant: Greg S. Fitzpatrick, Corvallis, Oregon*

The applicant requests an amendment of a recovery permit to take (pursue, capture, and establish new populations) the Fender's blue butterfly (*Icaricia icarioides fenderi*) in conjunction with surveys and establishment of new populations throughout its range in Oregon for the purpose of enhancing the species' survival.

### Permit Number: TE–096741

*Applicant: Naval Facilities Engineering Command Pacific, Pearl Harbor, Hawaii*

The applicant requests an amendment to an existing recovery permit to take (collect eggshells, monitor nests and nest temperature, locate with taped-playback calls, capture, band, measure, mark, collect blood and feather samples, radio-tag, and release) the Micronesian megapode (*Megapodius laperouse laperouse*) in conjunction with scientific research in the Commonwealth of the Northern Mariana Islands for the purpose of enhancing the species' survival.

### Permit Number: TE–043638

*Applicant: Directorate of Public Works, U.S. Army, Schofield Barracks, Hawaii*

The applicant requests an amendment to an existing recovery permit to take (collect for captive propagation) Hawaiian picture-wing flies *Drosophila aglaia, D. hemipeza*, *D. montgomeryi, D. obatai*, *D. substenoptera*, and *D. tarphytrichia*, and to remove and reduce to possession *Tetramolopium lepidotum* ssp. *Lepidotum* (no common name) on Oahu Island, Hawaii, in conjunction with life-history studies for the purpose of enhancing their survival.

## Public Availability of Comments

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

## Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: March 13, 2014.

**Jason Holm,**

*Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2014–06289 Filed 3–21–14; 8:45 am]

**BILLING CODE 4310–55–P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

**[DR.5B814.IA001213]**

### Renewal of Agency Information Collection for Application for Job Placement and Training Services

**AGENCY:** Bureau of Indian Affairs, Interior.

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

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Assistant Secretary—Indian Affairs is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for the Application for Job Placement and Training Services

authorized by OMB Control Number 1076–0062. This information collection expires June 30, 2014.

**DATES:** Submit comments on or before May 23, 2014.

**ADDRESSES:** You may submit comments on the information collection to Jack Stevens, Division Chief, Office of Indian Energy and Economic Development, Assistant Secretary—Indian Affairs, 1951 Constitution Avenue NW., MS–20 SIB, Washington, DC 20240; facsimile: (202) 208–4564; email: *Jack.Stevens@bia.gov.*

**FOR FURTHER INFORMATION CONTACT:** Jack Stevens, (202) 208–6764.

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

The Office of Indian Energy and Economic Development (IEED) is seeking renewal of the approval for the information collection conducted under 25 CFR part 26 to administer the job placement and training program, which provides vocational/technical training, related counseling, guidance, and job placement services, and limited financial assistance to Indian individuals who are not less than 18 years old and who reside with the Department of the Interior (DOI) approved service areas. This information collection includes a form: BIA–8205, Application for Job Placement and/or Training Assistance.

## II. Request for Comments

The IEED requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. 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.

## III. Data

*OMB Control Number:* 1076–0062.

*Title:* Application for Job Placement & Training Services.

*Brief Description of Collection:* Submission of this information allows DOI to administer the job placement and training program, which provides vocational/technical training, related counseling, guidance, job placement services, and limited financial assistance to Indian individuals who are not less than 18 years old and who reside within DOI approved service areas. The information collection includes an application for services, quarterly progress reports, and information from employers regarding opportunities. Response is required to obtain a benefit.

*Type of Review:* Extension without change of currently approved collection.

*Respondents:* Individuals seeking to participate, or currently participating, in the IEED job placement and training program.

*Number of Respondents:* 4,900 per year, on average.

*Number of Responses:* 7,450 per year, on average.

*Frequency of Response:* Once annually to apply for services, quarterly to provide progress reports, on occasion to provide information regarding job opportunities.

*Estimated Time per Response:* 30 minutes.

*Estimated Total Annual Hour Burden:* 3,726 hours.

*Estimated Total Annual Non-Hour Dollar Cost:* $0.

Dated: March 14, 2014.

**John Ashley,**

*Acting Assistant Director for Information Resources.*

[FR Doc. 2014–06249 Filed 3–21–14; 8:45 am]

**BILLING CODE 4310–G1–P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLCON04000 L16100000.DP0000]**

### Notice of Availability of the Proposed Resource Management Plan and Final Environmental Impact Statement for the Colorado River Valley Field Office, Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Proposed Resource Management Plan (RMP)/Final Environmental Impact Statement (EIS) for the Colorado River Valley Field Office (CRVFO) and by this notice is announcing its availability.

**DATES:** BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed RMP/Final EIS. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability of the Proposed RMP/Final EIS in the **Federal Register**.

**ADDRESSES:** The BLM has sent copies of the CRVFO Proposed RMP/Final EIS to affected Federal, State, and local government agencies; other stakeholders; tribal governments; and members of the public who have requested copies. Copies of the Proposed RMP/Final EIS are available for public inspection at the Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652; BLM Colorado Northwest District Office, 2815 H Road, Grand Junction, CO 81506; and Garfield County libraries in Carbondale, Glenwood Springs, New Castle, Silt, and Rifle. Interested persons may also review the Proposed RMP/Final EIS on the Internet at: *http://www.blm.gov/co/st/en/fo/crvfo.html*. All protests must be in writing and mailed to one of the following addresses:

*Regular Mail:* BLM Director (210), Attention: Protest Coordinator, WO–210, P.O. Box 71383, Washington, DC 20024–1383.

*Overnight Delivery:* BLM Director (210), Attention: Protest Coordinator, WO–210, 20 M Street SE., Room 2134LM, Washington, DC 20003.

**FOR FURTHER INFORMATION CONTACT:** Brian Hopkins, Planning and Environmental Coordinator; telephone 970–876–9073; Colorado River Valley Field Office (see address above); email *BLM_CO_SI_CRVFO_Webmail@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above

individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The CRVFO RMP revision covers lands and Federal mineral estate across six Colorado counties: Eagle, Garfield, Mesa, Pitkin, Routt, and Rio Blanco. Management decisions outlined in this RMP revision apply only to BLM-managed surface lands (approximately 505,200 acres) and to BLM-managed Federal mineral estate (approximately 701,200 acres) that may lie beneath other Federal, State, and private surface ownership with the exception of National Forest lands. The Proposed RMP will replace the 1984 Glenwood Springs Resource Area RMP. The BLM made the Draft RMP/EIS available for a 90-day public comment period on September 9, 2011. Due to several requests, the comment period was extended until January 17, 2012, and then again to February 29, 2012, for a total of 166 days. The Draft RMP/EIS described and analyzed a series of goals, objectives, and management actions within four management alternatives designed to address new management challenges and issues raised during scoping. The four alternatives analyzed in the Draft RMP/EIS were:

- *Alternative A:* Continues existing management practices (no action alternative).
- *Alternative B:* (Preferred Alternative) seeks to allocate public land resources among competing human interests and land uses with the conservation of natural and cultural resource values.
- *Alternative C:* Emphasizes improving, rehabilitating and restoring resources while sustaining the ecological integrity of habitats for priority, federally-listed, proposed, candidate, and threatened and endangered plant, wildlife, and fish species.
- *Alternative D:* Emphasizes a mix of uses centered on making the most of resources that target social and economic outcomes while protecting land health. Management direction would recognize and expand existing uses, and accommodate new uses to the greatest extent possible.

Alternative B (Proposed RMP) in the Final EIS is based on Alternative B (Preferred Alternative) from the Draft RMP/EIS, however, it includes elements of the other alternatives analyzed in the Draft RMP/EIS.

The Proposed RMP would provide comprehensive, long-range decisions for the use and management of resources in the planning area administered by the BLM's CRVFO and focus on the principles of multiple use and sustained yield.

The Proposed RMP includes: Goals, objectives, management actions, allowable uses and implementation decisions to ensure future BLM management supports the protection of areas of critical environmental concern, special recreation management areas, extensive recreation management areas, wilderness study areas, and segments found suitable for inclusion in the National Wild and Scenic River System. Maps are included in the document to geographically illustrate the Proposed RMP and other alternatives considered in the Final EIS. The appendices provide comprehensive information on decisions contained in the Proposed RMP (e.g., special designations, travel management designations and stipulations applicable to fluid mineral development, surface-disturbing activities, surface use and occupancy) as well as supporting information (e.g., Final Wild and Scenic Rivers Suitability Report, Evaluation of Proposed Areas of Critical Environmental Concern) for the Final EIS.

The Roan Plateau portion of the CRVFO is being addressed through a separate planning process and therefore was not included in the decision area of the CRVFO Proposed RMP/Final EIS. However, the Proposed RMP/Final EIS does include draft Wild and Scenic Rivers suitability determinations for the stream segments in the Roan Plateau Planning Area. The Roan Plateau Supplemental EIS could contain additional analysis and information that may modify the draft Wild and Scenic Rivers suitability determinations contained in this document.

Consistent with BLM Manual 6400, Wild and Scenic Rivers, the CRVFO invited the White River National Forest (WRNF) to participate in the CRVFO RMP revision process for the analysis of Wild and Scenic Rivers because the BLM and the WRNF jointly analyzed Deep Creek for eligibility in 1995, and four of the eligible U.S. Forest Service river segments studied for suitability are directly upstream or downstream of river segments the BLM analyzed. The U.S. Forest Service will use this Final EIS to make suitability determinations for river segments on the WRNF. Those determinations will be documented in a separate Record of Decision issued by the USFS.

In addition to the CRVFO RMP revision, the BLM is also considering other decisions that could amend the CRVFO RMP. The BLM will make final decisions on how to manage Greater Sage-Grouse and their habitat in the Record of Decision for the Northwest Colorado BLM Greater Sage-Grouse Amendment/EIS. In the Record of Decision for the Amendment/EIS, the BLM will decide whether the CRVFO RMP should be amended, and if so, which decisions should be changed and how. The Draft EIS for the Amendment was released for public comment on August 16, 2013.

The BLM's changes to the Proposed RMP/Final EIS were largely in response to public comment on the Draft RMP/EIS. Cooperating agency reviews, resource advisory council reviews, U.S. Fish and Wildlife Service consultation, and extensive internal BLM reviews of the Proposed RMP/Final EIS also resulted in changes. The BLM carefully considered all comments and incorporated them into the Proposed RMP as appropriate. The BLM has determined that none of the changes, individually or collectively, constitute a substantial change in the proposed actions that requires preparing a supplement to the Draft EIS.

Instructions for filing a protest with the BLM Director regarding the Proposed RMP/Final EIS may be found in the CRVFO Proposed RMP/Final EIS ''Dear Reader'' Letter and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above. Emailed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct emails to *protests@blm.gov*.

Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5.

**Ruth Welch,**

*BLM Colorado Acting State Director.*

[FR Doc. 2014–06334 Filed 3–21–14; 8:45 am]

BILLING CODE 4310–JB–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNV912. L10200000.PH0000 LXSS006F0000 261A; 14–08807; MO#4500063094]**

### Notice of Public Meetings: Sierra Front-Northwestern Great Basin Resource Advisory Council, Nevada

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meetings.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Sierra Front-Northwestern Great Basin Resource Advisory Council (RAC), will hold two meetings in Nevada in fiscal year 2014. The meetings are open to the public.

*Dates and Times:* May 1–2 at the BLM Carson City District Office, 5665 Morgan Mill Road in Carson City, Nevada and a field trip on May 2; August 28 at Hycroft Mine, 54980 Jungo Road with a field trip the same day. Approximate meeting times are 8 a.m. to 4 p.m. However, meetings could end earlier if discussions and presentations conclude before 4 p.m. All meetings will include a public comment period at approximately 11 a.m.

**FOR FURTHER INFORMATION CONTACT:** Lisa Ross, Public Affairs Specialist, Carson City District Office, 5665 Morgan Mill Road, Carson City, NV 89701, telephone: (775) 885–6107, email: *lross@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Nevada. Topics for discussion at each meeting will include, but are not limited to:

- May 1–2 (Carson City)—rangeland health assessments, Carson City Resource Management Plan, greater sage-grouse/Bi State conservation, recreation, drought, and fire restoration (Field trip on May 2).
- August 28 (Winnemucca)—landscape vegetative management and ongoing monitoring, recreation/wilderness management and Emergency Stabilization and Restoration. (Field trip on August 21.)

Managers' reports of field office activities will be given at each meeting. The Council may raise other topics at the meetings.

Final agendas will be posted on-line at the BLM Sierra Front-Northwestern Great Basin RAC Web site at *http://www.blm.gov/nv/st/en/res/resource_advisory.html* and will be published in local and regional media sources at least 14 days before each meeting.

Individuals who need special assistance such as sign language interpretation or other reasonable accommodations, or who wish to receive a copy of each agenda, may contact Lisa Ross no later than 10 days prior to each meeting.

**Erica Haspiel-Szlosek,**

*Chief, Office of Communications.*

[FR Doc. 2014–06284 Filed 3–21–14; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLOR957000–L63100000–HD0000–14XL1116AF: HAG14–0087]**

### Filing of Plats of Survey: Oregon/Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

**Willamette Meridian**

*Oregon*

T. 17 S., R. 11 E., accepted March 17, 2014
T. 20 S., R. 8 W., accepted March 17, 2014
T. 34 S., R. 5 W., accepted March 17, 2014
T. 28 S., R. 11 W., accepted March 17, 2014

**ADDRESSES:** A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 S.W. 3rd Avenue, Portland, Oregon 97204, upon required payment.

**FOR FURTHER INFORMATION CONTACT:** Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 1220 S.W. 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

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.

**Mary J.M. Hartel,**

*Chief Cadastral Surveyor of Oregon/Washington.*

[FR Doc. 2014–06324 Filed 3–21–14; 8:45 am]

**BILLING CODE 4310–33–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLOR957000–L63100000–HD0000–14XL1116AF: HAG14–0076]**

### Filing of Plats of Survey: Oregon/Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

**Willamette Meridian**

*Oregon*

T. 8 S., R. 4 E., accepted February 14, 2014.

*Washington*

T. 21 N., R. 12 W., accepted February 11, 2014.

**ADDRESSES:** A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 SW. 3rd Avenue, Portland, Oregon 97204, upon required payment.

**FOR FURTHER INFORMATION CONTACT:** Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 1220 SW. 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

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.

**Mary J.M. Hartel,**

*Chief Cadastral Surveyor of Oregon/Washington.*

[FR Doc. 2014–06328 Filed 3–21–14; 8:45 am]

BILLING CODE 4310–33–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–DPOL–15242; PPWODIREP0][PPMPSPD1Y.YM0000]**

### Notice of May 21–22, 2014, Meeting of the National Park System Advisory Board

**AGENCY:** National Park Service, Interior.

**ACTION:** Meeting notice.

**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix 1–16, and Part 65 of title 36 of the Code of Federal Regulations that the National Park System Advisory Board will meet May 21–22, 2014, in Mesa Verde, Colorado. The agenda will include the review of proposed actions regarding the National Historic Landmarks (NHL) Program. Interested parties are encouraged to submit written comments and recommendations that will be presented to the Board. Interested parties also may attend the board meeting and upon request may address the Board concerning an area's national significance.

**DATES:** (a) Written comments regarding any proposed National Historic Landmarks matter listed in this notice will be accepted by the National Park Service until May 23, 2014. (b) The Board will meet on May 21–22, 2014.

**ADDRESSES:** The meeting will be held in Recreation Hall at Mesa Verde National Park, 1 Ruins Road, Mesa Verde, Colorado 81330; telephone (970) 529–4465.

*Agenda:* On the morning of May 21, the Board will convene its business meeting at 8:15 a.m., Mountain Daylight Time, and adjourn for the day at 12:15 p.m. The Board will tour Mesa Verde National Park in the afternoon. On May 22, the Board will reconvene at 9:00 a.m., and adjourn at 3:00 p.m. During the course of the two days, the Board may be addressed by National Park Service Director Jonathan Jarvis and briefed by other National Park Service officials regarding education, leadership development, philanthropy, NPS urban initiatives, and science; deliberate and make recommendations concerning National Historic Landmarks Program proposals; and receive status briefings on matters pending before committees of the Board.

**FOR FURTHER INFORMATION CONTACT:** (a) For information concerning the National Park System Advisory Board or to request to address the Board, contact Shirley Sears, Office of Policy, National Park Service, 1849 C Street NW., MS 3315, Washington, DC 20240, telephone (202) 354–3955, email *Shirley_Sears@nps.gov.* (b) To submit a written statement specific to, or request information about, any National Historic Landmarks matter listed below, or for information about the National Historic Landmarks Program or National Historic Landmarks designation process and the effects of designation, contact J. Paul Loether, Chief, National Register of Historic Places and National Historic Landmarks Program, National Park Service, 1849 C Street, NW., (2280), Washington, DC 20240, email *Paul_Loether@nps.gov.*

**SUPPLEMENTARY INFORMATION:** Matters concerning the National Historic Landmarks Program will be considered by the Board at the morning session of the business meeting on May 22 during which the Board may consider the following:

**Nominations for NHL Designations**

*Florida*

- The Research Studio (Maitland Art Center), Maitland, FL

*Indiana*

- Duck Creek Aqueduct, Metamora, Franklin County, IN

*Louisiana*

- The St. Charles Line, New Orleans, LA

*Maine*

- Eagle Island (Admiral Robert E. Peary Summer Home), Harpswell, ME
- Perkins Homestead, Newcastle, ME

*Massachusetts*

- Lydia Pinkham House, Lynn MA

*Michigan*

- General Motors Technical Center, Warren, MI

*New Jersey*

- Baltusrol Golf Club, Springfield, NJ

*Vermont*

- Brown Bridge, Rutland County, VT

**Proposed Amendments to Existing Designation**

*Pennsylvania*

- Andrew Wyeth Studio and Kuerner Farm, Chadds Ford Township, PA (Updated documentation, boundary expansion, and name change)

**Proposed Withdrawals of Designation**

*Virginia*

- Eight-Foot High Speed Tunnel, Hampton (City), VA
- Full Scale 30- x 60-Foot Tunnel, Hampton (City), VA

The board meeting will be open to the public. The order of the agenda may be changed, if necessary, to accommodate travel schedules or for other reasons. Space and facilities to accommodate the public are limited and attendees will be accommodated on a first-come basis. Anyone may file with the Board a written statement concerning matters to be discussed. The Board also will permit attendees to address the Board, but may restrict the length of the

presentations, as necessary to allow the Board to complete its agenda within the allotted time. Before including your address, telephone 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 may 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.

Draft minutes of the meeting will be available for public inspection about 12 weeks after the meeting in the 12th floor conference room at 1201 I Street NW., Washington, DC.

Dated: March 19, 2014.

**Alma Ripps,**

*Chief, Office of Policy.*

[FR Doc. 2014–06420 Filed 3–21–14; 8:45 am]

**BILLING CODE 4310–EE–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

### Outer Continental Shelf (OCS), Gulf of Mexico (GOM), Oil and Gas Lease Sales, Western Planning Area (WPA) Lease Sales 238, 246, and 248 MMAA104000

**AGENCY:** Bureau of Ocean Energy Management (BOEM), Interior.

**ACTION:** Notice of Availability (NOA) of the Final Supplemental Environmental Impact Statement (EIS).

**SUMMARY:** Consistent with the regulations implementing the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*) (NEPA), BOEM has prepared a Final Supplemental EIS for proposed OCS oil and gas Lease Sales 238, 246, and 248, which are tentatively scheduled to be held in August 2014, 2015, and 2016, respectively, in the WPA offshore the States of Texas and Louisiana. This Final Supplemental EIS updates the baseline conditions and potential environmental effects of oil and natural gas leasing, exploration, development, and production in the WPA since publication of *Gulf of Mexico OCS Oil and Gas Lease Sales: 2012–2017; Western Planning Area Lease Sales 229, 233, 238, 246, and 248; Central Planning Area Lease Sales 227, 231, 235, 241, and 247, Final Environmental Impact Statement* (OCS EIS/EA BOEM 2012–019) (2012–2017 WPA/CPA Multisale EIS) and *Gulf of Mexico OCS Oil and Gas Lease Sales: 2013–2014; Western Planning Area Lease Sale 233; Central Planning Area Lease Sale 231, Final Supplemental Environmental Impact Statement* (OCS EIS/EA BOEM 2013–0118) (WPA 233/CPA 231 Supplemental EIS). The 2012–2017 WPA/CPA Multisale EIS was completed in July 2012. The WPA 233/CPA 231 Supplemental EIS was completed in April 2013.

**SUPPLEMENTARY INFORMATION:** BOEM developed this Final Supplemental EIS for proposed WPA Lease Sales 238, 246, and 248 to consider new information made available since completion of the 2012–2017 WPA/CPA Multisale EIS and WPA 233/CPA 231 Supplemental EIS. This Final Supplemental EIS provides updates on the baseline conditions and potential environmental effects of oil and natural gas leasing, exploration, development, and production in the WPA. BOEM conducted an extensive search for new information, including but not limited to, information related to the *Deepwater Horizon* explosion, oil spill, and response. BOEM's search included reviewing scientific journals and available scientific data as well as interviews of personnel from academic institutions and Federal, State, and local agencies. BOEM has examined the potential impacts of routine activities and accidental events, including a possible low-probability catastrophic event, as well as the proposed lease sales' incremental contribution to the cumulative impacts on environmental and socioeconomic resources. The oil and gas resource estimates and scenario information for this Final Supplemental EIS are presented as a range that would encompass the resources and activities estimated for a proposed WPA lease sale.

*Final Supplemental EIS Availability:* You may download or view the Final Supplemental EIS on BOEM's Internet Web site at *http://www.boem.gov/Environmental-Stewardship/Environmental-Assessment//.aspx.* BOEM has printed and will be distributing a limited number of paper copies. In keeping with the Department of the Interior's mission of the protection of natural resources and to limit costs while ensuring availability of the document to the public, BOEM will primarily distribute digital copies of the Final Supplemental EIS on compact discs. However, if you require a paper copy, BOEM will provide one upon request if copies are still available. You may obtain a copy of the Final Supplemental EIS from the Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Public Information Office (GM 335A), 1201 Elmwood Park Boulevard, Room 250, New Orleans, Louisiana 70123–2394 (1–800–200–GULF).

Several libraries along the Gulf Coast have been sent copies of the Final Supplemental EIS. To find out which libraries have copies of the Final Supplemental EIS for review, you may contact BOEM's Public Information Office or visit BOEM's Internet Web site at *http://www.boem.gov/Environmental-Stewardship/Environmental-Assessment/NEPA/nepaprocess.aspx.*

**FOR FURTHER INFORMATION CONTACT:** For more information on the Final Supplemental EIS, you may contact Mr. Gary D. Goeke, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Office of Environment (GM 623E), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394 or by email at *wpa238@boem.gov.* You may also contact Mr. Goeke by telephone at (504) 736–3233.

**Authority:** This NOA is published pursuant to the regulations (40 CFR 1503) implementing the provisions of NEPA, as amended (42 U.S.C. 4321 *et seq.* [1988]).

Dated: March 13, 2014.

**Tommy P. Beaudreau,**

*Director, Bureau of Ocean Energy Management.*

[FR Doc. 2014–06288 Filed 3–21–14; 8:45 am]

**BILLING CODE 4310–MR–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

**[MMAA 104000]**

### Outer Continental Shelf (OCS), Gulf of Mexico (GOM), Oil and Gas Lease Sales, Central Planning Area (CPA) Lease Sales 235, 241, and 247

**AGENCY:** Bureau of Ocean Energy Management (BOEM), Interior.

**ACTION:** Notice of Availability (NOA) of a Draft Supplemental Environmental Impact Statement (EIS) and Public Meetings.

**Authority:** This NOA is published pursuant to the regulations (40 CFR 1503) implementing the provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA).

**SUMMARY:** BOEM has prepared a Draft Supplemental EIS for proposed OCS oil and gas Lease Sales 235, 241, and 247, which are tentatively scheduled to be held in March 2015, 2016, and 2017, respectively, in the CPA offshore the States of Louisiana, Mississippi, and Alabama. This Draft Supplemental EIS updates the environmental and socioeconomic analyses for proposed

CPA Lease Sales 235, 241, and 247 in the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2012–2017; Western Planning Area Lease Sales 229, 233, 238, 246, and 248; Central Planning Area Lease Sales 227, 231, 235, 241, and 247, Final Environmental Impact Statement* (OCS EIS/EA BOEM 2012–019) (2012–2017 WPA/CPA Multisale EIS) and in the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2013–2014; Western Planning Area Lease Sale 233; Central Planning Area Lease Sale 231, Final Supplemental Environmental Impact Statement* (OCS EIS/EA BOEM 2013–0118) (WPA 233/CPA 231 Supplemental EIS). The 2012–2017 WPA/CPA Multisale EIS was completed in July 2012. The WPA 233/CPA 231 Supplemental EIS was completed in April 2013.

**SUPPLEMENTARY INFORMATION:** BOEM developed this Draft Supplemental EIS for proposed CPA Lease Sales 235, 241, and 247 to consider new information made available since completion of the 2012–2017 WPA/CPA Multisale EIS and WPA 233/CPA 231 Supplemental EIS, and to consider, among others, new information on the *Deepwater Horizon* explosion, oil spill, and response. This Draft Supplemental EIS provides updates on the baseline conditions and potential environmental effects of oil and natural gas leasing, exploration, development, and production in the CPA. BOEM conducted an extensive search for new information in consideration of the *Deepwater Horizon* explosion, oil spill, and response, reviewing scientific journals and available scientific data and information from academic institutions and Federal, State, and local agencies; and interviewing personnel from academic institutions and Federal, State, and local agencies. BOEM has examined the potential impacts of routine activities and accidental events and the proposed lease sales' incremental contribution to the cumulative impacts on environmental and socioeconomic resources. The oil and gas resource estimates and scenario information for this Draft Supplemental EIS are presented as a range that would encompass the resources and activities estimated for a proposed CPA lease sale.

*Draft Supplemental EIS Availability:* BOEM has printed and will distribute a limited number of paper copies. In keeping with the Department of the Interior's mission to protect natural resources and to limit costs while ensuring availability of the document to the public, BOEM will primarily distribute digital copies of this Draft Supplemental EIS on compact discs. However, if you require a paper copy, BOEM will provide one upon request if copies are still available.

1. You may obtain a copy of the Draft Supplemental EIS from the Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Public Information Office (GM 335A), 1201 Elmwood Park Boulevard, Room 250, New Orleans, Louisiana 70123–2394 (1–800–200–GULF).

2. You may download or view the Draft Supplemental EIS on BOEM's Internet Web site at *http://www.boem.gov/Environmental-Stewardship/Environmental-Assessment//.aspx.*

Several libraries along the Gulf Coast have been sent copies of the Draft Supplemental EIS. To find out which libraries have copies of the Draft Supplemental EIS for review, you may contact BOEM's Public Information Office or visit BOEM's Internet Web site at *http://www.boem.gov/Environmental-Stewardship/Environmental-Assessment/NEPA/nepaprocess.aspx.*

*Comments:* Federal, State, and local government agencies and other interested parties are requested to send their written comments on the Draft Supplemental EIS in one of the following ways:

1. In an envelope labeled ''Comments on the CPA 235, 241, and 247 Draft Supplemental EIS'' and mailed (or hand carried) to Mr. Gary D. Goeke, Chief, Environmental Assessment Section, Office of Environment (GM 623E), Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394;

2. Through the regulations.gov web portal: Navigate to *http://www.regulations.gov* and search for ''Oil and Gas Lease Sales: Gulf of Mexico, Outer Continental Shelf; Central Planning Area Lease Sales 235, 241, and 247''. (Note: It is important to include the quotation marks in your search terms.) Click on the ''Comment Now!'' button to the right of the document link. Enter your information and comment, then click ''Submit''; or

3. BOEM's email address: *cpa235@boem.gov.*

Comments should be submitted no later than 45 days from the publication of this NOA.

*Public Meetings:* BOEM will also hold public meetings to obtain comments regarding the Draft Supplemental EIS. These meetings are scheduled as follows:

- New Orleans, Louisiana: April 7, 2014, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, one meeting beginning at 1:00 p.m. CDT.
- Gulfport, Mississippi: April 8, 2014, Courtyard by Marriott Gulfport Beachfront MS Hotel, 1600 East Beach Boulevard, Gulfport, Mississippi 39501; one meeting beginning at 1:00 p.m. CDT; and
- Mobile, Alabama: April 9, 2014, Five Rivers—Alabama's Delta Resource Center, 30945 Five Rivers Boulevard, Spanish Fort, Alabama 36527; one meeting beginning at 1:00 p.m. CDT.

**FOR FURTHER INFORMATION CONTACT:** For more information on the Draft Supplemental EIS, you may contact Mr. Gary D. Goeke, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, Office of Environment (GM 623E), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394 or by email at *cpa235@boem.gov.* You may also contact Mr. Goeke by telephone at (504) 736–3233.

## Public Disclosure of Names and Addresses

BOEM does not consider anonymous comments; please include your name and address as part of your submittal. BOEM makes all comments, including the names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that BOEM withhold their names and/or addresses from the public record; however, BOEM cannot guarantee that we will be able to do so. If you wish your name and/or address to be withheld, you must state your preference prominently at the beginning of your comment. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Dated: March 14, 2014.

**Tommy P. Beaudreau,**

*Director, Bureau of Ocean Energy Management.*

[FR Doc. 2014–06297 Filed 3–21–14; 8:45 am]

BILLING CODE 4310–MR–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

**[Docket No. BOEM–2013–0090; MMAA104000]**

### Potential Marine Hydrokinetic (MHK) Research Lease on the Outer Continental Shelf (OCS) Offshore Oregon; Request for Competitive Interest

**AGENCY:** Bureau of Ocean Energy Management (BOEM), Interior.

**ACTION:** Public Notice of an Unsolicited Request for an OCS Renewable Energy Research Lease, Request for Competitive Interest (RFCI), Request for Public Comment.

**SUMMARY:** The purpose of this public notice is to: (1) Describe the proposal submitted to BOEM by the Northwest National Marine Renewable Energy Center at Oregon State University (NNMREC–OSU) to acquire an OCS lease for MHK research activities; (2) solicit submissions of indications of interest in obtaining a renewable energy lease for MHK research or commercial activities on the OCS offshore Oregon in the area described in this notice; and (3) solicit public input regarding the area described in this notice, the potential environmental consequences of MHK energy development in the area, and multiple uses of the area.

On June 17, 2013, BOEM received an unsolicited request from NNMREC–OSU for an MHK OCS research lease offshore Oregon. The objective of NNMREC–OSU is to obtain a lease under 30 CFR 585.238 for renewable energy research activities, including MHK device installation and operational testing and the installation of monitoring equipment. The purpose of NNMREC–OSU's proposed project, the ''Pacific Marine Energy Center—South Energy Test Site,'' is to design, develop and demonstrate a grid-connected MHK research facility on the OCS approximately five nautical miles (nmi) southwest of Newport, Oregon. The project would consist of four test sites (or berths), with each test berth capable of testing single or multiple MHK devices and equipped with its own subsea cable to transmit energy, as well as performance and environmental data, from the test berth to an onshore control center. Each of the test berth electrical cables would connect at a single submerged point, with a single transmission export cable capable of transmitting up to 10 megawatts (MW) of electricity to the mainland. The export cable would cross the OCS and state submerged lands. Additional information on NNMREC–OSU's unsolicited lease request can be viewed at: *www.boem.gov/Oregon.*

This RFCI is published pursuant to subsection 8(p)(3) of the OCS Lands Act, as amended by section 388 of the Energy Policy Act of 2005 (EPAct) (43 U.S.C. 1337(p)(3)), and the implementing regulations at 30 CFR 585.238. Subsection 8(p)(3) of the OCS Lands Act requires that OCS renewable energy leases, easements and rights-of-way be issued ''on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.'' 30 CFR 585.238(c) states that BOEM may issue research leases if ''no competitive interest exists''. This RFCI provides such public notice for the proposed lease area requested by NNMREC–OSU and invites the submission of indications of interest. BOEM is soliciting submissions of interest for MHK energy development only with this notice. BOEM will consider the responses to this public notice to determine whether competitive interest exists for the area requested by NNMREC–OSU, as required by 43 U.S.C. 1337(p)(3). Parties wishing to obtain a lease for MHK development for the area described herein under ''Description of the Proposed Lease Area'' should submit detailed and specific information as described in the section entitled, ''Required Indication of Interest Information.''

BOEM has jurisdiction to issue leases on the OCS for MHK projects under subsection 8(p) of the OCS Lands Act (43 U.S.C. 13376(p)), and the Federal Energy Regulatory Commission (FERC) has jurisdiction to issue licenses under Part I of the Federal Power Act (FPA), 16 U.S.C. 792–823A (2006) for the construction and operation of hydrokinetic projects on the OCS.

This announcement also requests that interested and affected parties comment and provide information about site conditions and multiple uses within the area identified in this notice that would be relevant to the proposed project or its potential impacts. A detailed description of the proposed lease area can be found in the section of this notice entitled, ''Description of the Area.''

**DATES:** If you are submitting an indication of interest in acquiring an MHK lease for the proposed lease area, your submission must be sent by mail, postmarked no later than April 23, 2014 for your submission to be considered. If you are providing comments or other submissions of information, you may send them by mail, postmarked by this same date, or you may submit them through the Federal Rulemaking Portal at *http://www.regulations.gov,* also by this same date.

*Submission Procedures:* If you are interested in submitting an indication of interest in a lease, please submit it by mail to the following address: Bureau of Ocean Energy Management, Pacific OCS Region, Office of Strategic Resources, 770 Paseo Camarillo, Second Floor, Camarillo, California, 93010. Submissions must be postmarked by April 23, 2014 to be considered by BOEM for the purposes of determining competitive interest. In addition to a paper copy of your submission, include an electronic copy; BOEM considers an Adobe PDF file stored on a compact disc (CD) to be an acceptable format for submitting an electronic copy. BOEM will list the parties submitting indications of interest on the BOEM Web site after the 30-day comment period has closed.

If you are submitting comments and other information concerning the proposed lease area, you may use either of the following two methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov.* In the entry entitled, ''Enter Keyword or ID,'' enter BOEM–2013–0090, and then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials available for this notice.

2. Alternatively, comments may be submitted by mail to the following address: Bureau of Ocean Energy Management, Pacific OCS Region, Office of Strategic Resources, 770 Paseo Camarillo, Second Floor, Camarillo, California, 93010.

If you wish to protect the confidentiality of your submissions or comments, clearly mark the relevant sections and request BOEM treat them as confidential. Please label privileged or confidential information ''Contains Privileged or Confidential Information,'' and consider submitting such information as a separate attachment. Treatment of confidential information is addressed in the section of this notice entitled, ''Privileged or Confidential Information.'' BOEM will post all comments on *www.regulations.gov* unless labeled as privileged or confidential. Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jean Thurston, Renewable Energy Program Specialist, BOEM, Pacific OCS Region, Office of Strategic Resources,

770 Paseo Camarillo, Second Floor, Camarillo, California 93010, Phone: (805) 389–7585.

**SUPPLEMENTARY INFORMATION:**

## Purpose of This RFCI

Responses to this public notice will allow BOEM to determine whether there is competitive interest in acquiring an OCS MHK lease in the proposed lease area. In addition, this notice provides an opportunity for interested stakeholders to comment on the proposed lease area, the proposed project and any potential impacts MHK energy development may have in the area. BOEM may use comments received to further identify and refine the area requested and inform future environmental analyses related to the project.

## Determination of Competitive Interest and Leasing Process

After the publication of this announcement, BOEM will evaluate indications of competitive interest in acquiring an MHK lease in the proposed lease area. At the conclusion of the comment period for this public notice, BOEM will review the submissions received and undertake a completeness review for each of those submissions and a qualifications review for each of the nominating entities. BOEM will then make a determination as to whether competitive interest exists.

If BOEM determines that there is no competitive interest in the proposed lease area, it will publish a determination of no competitive interest in the **Federal Register**. At that point, BOEM may decide to proceed with the noncompetitive lease issuance process for a research lease pursuant to 30 CFR 585.238. If BOEM determines that there is competitive interest, then it may move forward with the leasing process outlined in 30 CFR 585.211.

Whether following competitive or non-competitive procedures, NNMREC–OSU would need to submit any required plan(s) to BOEM and an application for a license to FERC. BOEM would consult with the BOEM Oregon Intergovernmental Renewable Energy Task Force and comply with all applicable requirements before making a decision whether or not to issue a lease. BOEM would coordinate and consult, as appropriate, with FERC and other relevant federal agencies, affected tribes, affected state agencies and affected local governments during the lease issuance process.

## Description of the Proposed Research Lease Area

The proposed research lease area is located off the coast of Oregon, beginning approximately 5 nmi southwest of Newport, Oregon. From its most northwest point (Point number 27, Table 2) the area extends approximately 5.18 nmi south and 5.18 nmi east. The project area consists of two full OCS blocks and two partial OCS blocks. The entire area is approximately 33 square miles (20,994 acres or 8496 hectares). The project footprint is anticipated to be smaller than the area described in this RFCI. BOEM may remove any lease blocks, or sub-blocks, from the area prior to issuing a lease if it is larger than needed to develop the project. The table below describes the OCS lease blocks and sub-blocks included within the area of interest.

TABLE 1—LIST OF OCS BLOCKS INCLUDED IN THE REQUEST FOR COMPETITIVE INTEREST

| Protraction name | Protraction number | Block number | Sub block |
|---|---|---|---|
| Newport Valley | NL 10–10 | 6481 | A,B,C,D,E,F,G,H,I,J,K,L,M,N,O,P. |
| Newport Valley | NL 10–10 | 6531 | A,B,C,D,E,F,G,H,I,J,K,L,M,N,O,P. |
| Salem | NL 10–11 | 6451 | A,B,C,E,F,G,H,I,J,K,L,M,N,O,P. |
| Salem | NL 10–11 | 6501 | A,B,C,D,E,F,G,I,J,K,M,N. |

The boundary of the proposed lease area follows the points listed in Table 2 in clockwise order. Point numbers 1 and 35 are the same. Coordinates are provided in X, Y (eastings, northings) UTM Zone 10N, NAD 83 and geographic (latitude, longitude), NAD 83.

TABLE 2—LIST OF BOUNDARY POINTS INCLUDED IN THE REQUEST FOR COMPETITIVE INTEREST

| Point number | X (Easting) | Y (Northing) | Latitude | Longitude |
|---|---|---|---|---|
| 1 | 407600 | 4939200 | 44.600214 | −124.164292 |
| 2 | 407600 | 4938000 | 44.589413 | −124.164076 |
| 3 | 408800 | 4938000 | 44.589566 | −124.148961 |
| 4 | 408800 | 4936800 | 44.578765 | −124.148749 |
| 5 | 408800 | 4935600 | 44.567964 | −124.148536 |
| 6 | 408800 | 4934400 | 44.557163 | −124.148324 |
| 7 | 408800 | 4933200 | 44.546362 | −124.148111 |
| 8 | 407600 | 4933200 | 44.546209 | −124.163215 |
| 9 | 407600 | 4932000 | 44.535408 | −124.163000 |
| 10 | 407600 | 4930800 | 44.524607 | −124.162785 |
| 11 | 406400 | 4930800 | 44.524452 | −124.177883 |
| 12 | 406400 | 4929600 | 44.513652 | −124.177665 |
| 13 | 405200 | 4929600 | 44.513495 | −124.192760 |
| 14 | 404000 | 4929600 | 44.513336 | −124.207855 |
| 15 | 402800 | 4929600 | 44.513176 | −124.222950 |
| 16 | 402015 | 4929600 | 44.513069 | −124.232819 |
| 17 | 401600 | 4929600 | 44.513013 | −124.238044 |
| 18 | 400400 | 4929600 | 44.512848 | −124.253139 |
| 19 | 399200 | 4929600 | 44.512682 | −124.268233 |
| 20 | 399200 | 4929600 | 44.523482 | −124.268468 |
| 21 | 399200 | 4930800 | 44.534283 | −124.268702 |
| 22 | 399200 | 4932000 | 44.545083 | −124.268937 |
| 23 | 399200 | 4933200 | 44.555884 | −124.269172 |

TABLE 2—LIST OF BOUNDARY POINTS INCLUDED IN THE REQUEST FOR COMPETITIVE INTEREST—Continued

| Point number | X (Easting) | Y (Northing) | Latitude | Longitude |
|---|---|---|---|---|
| 24 | 399200 | 4934400 | 44.566684 | −124.269406 |
| 25 | 399200 | 4935600 | 44.577485 | −124.269641 |
| 26 | 399200 | 4936800 | 44.588285 | −124.269877 |
| 27 | 399200 | 4938000 | 44.599086 | −124.270112 |
| 28 | 400400 | 4939200 | 44.599253 | −124.254995 |
| 29 | 401600 | 4939200 | 44.599418 | −124.239878 |
| 30 | 402800 | 4939200 | 44.599581 | −124.224761 |
| 31 | 403847 | 4939200 | 44.599722 | −124.211568 |
| 32 | 404000 | 4939200 | 44.599742 | −124.209644 |
| 33 | 405200 | 4939200 | 44.599901 | −124.194527 |
| 34 | 406400 | 4939200 | 44.600058 | −124.179409 |
| 35 | 407600 | 4939200 | 44.600214 | −124.164292 |

**Map of the Area**

A map of the area proposed by NNMREC–OSU and included in this RFCI can be found at the following URL: *www.boem.gov/Oregon.* A large-scale map of the proposed lease area showing boundaries of the area with the numbered blocks is available from BOEM at the following address: Bureau of Ocean Energy Management, Pacific OCS Region, Office of Strategic Resources, 770 Paseo Camarillo, Second Floor, Camarillo, California, 93010.

**Department of Defense Activities and Stipulations**

The Department of Defense (DOD) conducts offshore testing, training and operations on the OCS and may request that BOEM condition activities that might take place in the proposed lease area. BOEM will consult with DOD regarding potential issues concerning offshore testing, training and operational activities, and will develop any necessary stipulations to mitigate the potential effects of renewable energy activities on DOD activities in the proposed lease area.

**Required Indication of Interest Information**

If you intend to submit an indication of interest in an MHK lease for the area identified in this notice, you must provide the following:

(1) A statement that you wish to acquire an MHK lease within the proposed lease area. For BOEM to consider your indication of interest, it must include a proposal for the installation of one or more MHK devices within the proposed lease area. Any request for an MHK lease located outside of the proposed lease area should be submitted separately pursuant to 30 CFR 585.230 or 30 CFR 585.238;

(2) A general description of your objectives and the facilities that you would use to achieve those objectives;

(3) A general schedule of proposed activities, including those leading to commercial operations, as applicable;

(4) Available and pertinent data and information concerning renewable energy resources and environmental conditions in the area you wish to lease, including energy and resource data and information used to evaluate the area of interest. Where applicable, spatial information should be submitted in a format compatible with ArcGIS 9.3 in a geographic coordinate system (NAD 83);

(5) Documentation demonstrating that you are legally qualified to hold a lease as set forth in 30 CFR 585.106 and 107. Examples of the documentation appropriate for demonstrating your legal qualifications and related guidance can be found in Chapter 2 and Appendix B of the Guidelines for the Minerals Management Service Renewable Energy Framework available at: *http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/Index.aspx.* Legal qualification documents will be placed in an official file that may be made available for public review. If you wish any part of your legal qualification documentation to be kept confidential, clearly identify what should be kept confidential, and submit it under separate cover (see ''Protection of Privileged or Confidential Information Section,'' below); and

(6) Documentation demonstrating that you are technically and financially capable of constructing, operating, maintaining and decommissioning the facilities described in your submission. Guidance regarding the documentation that could be used to demonstrate your technical and financial qualifications can be found at: *http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/Index.aspx.* If you wish that any part of your technical and financial qualification documentation be kept confidential, clearly identify what should be kept confidential, and submit it under separate cover (see ''Protection of Privileged or Confidential Information Section,'' below).

Your complete submission, including the items identified in (1) through (6) above, must be provided to BOEM in both paper and electronic formats. BOEM considers an Adobe PDF file stored on a CD to be an acceptable format for submitting an electronic copy.

It is critical that you provide a complete submission of interest so that BOEM may consider your submission in a timely manner. If BOEM reviews your submission and determines it is incomplete, BOEM will inform you of this determination in writing and describe the information BOEM needs from you in order for BOEM to deem your submission complete. You will be given 15 business days from the date of the letter to provide the requested information. If you do not meet this deadline, or if BOEM determines your second submission is also insufficient, BOEM may deem your submission invalid. In such a case, BOEM would not consider your submission.

**Requested Information From Interested or Affected Parties**

BOEM is also requesting from the public and other interested or affected parties specific and detailed comments regarding the following:

(1) Geological and geophysical conditions (including seabed conditions and shallow hazards) in the area described in this notice;

(2) Historic properties, archaeological, historic and/or cultural resources potentially affected by the development of the area identified in this notice;

(3) Other uses of the area described in this notice, including navigation (commercial and recreational vessel usage) and commercial and recreational fishing; recreational activities (e.g., wildlife viewing and scenic areas), scientific research and utilities and communications infrastructure (e.g., undersea cables);

(4) Other relevant environmental information, including but not limited to: protected species and habitats, marine mammals, sea turtles, birds and fish; and

(5) Socioeconomic information, such as demographics and employment, or information relevant to environmental justice considerations.

**Protection of Privileged or Confidential Information**

*Freedom of Information Act*

BOEM will protect privileged or confidential information that you submit as required by the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information that you submit that is privileged or confidential. If you wish to protect the confidentiality of such information, clearly mark it, and request that BOEM treat it as confidential. BOEM will not disclose such information, subject to the requirements of FOIA. Please label privileged or confidential information, ''Contains Confidential Information,'' and consider submitting such information as a separate attachment.

BOEM will not treat as confidential any aggregate summaries of such information or comments not containing such information. Additionally, BOEM will not treat as confidential: (1) The legal title of the nominating entity (for example, the name of your company); or (2) the geographic location of nominated facilities. Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

*Section 304 of the National Historic Preservation Act (16 U.S.C. 470w–3(a))*

BOEM is required, after consultation with the Secretary of the Interior, to withhold the location, character or ownership of historic resources, if it determines that disclosure may, among other things, cause a significant invasion of privacy, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Tribal entities and other interested parties should designate information that they wish to be held as confidential.

Dated: March 13, 2014.

**Tommy P. Beaudreau,**

*Director, Bureau of Ocean Energy Management.*

[FR Doc. 2014–06295 Filed 3–21–14; 8:45 am]

BILLING CODE 4310–MR–P

## DEPARTMENT OF THE INTERIOR

### Office of Natural Resources Revenue

**[Docket No. ONRR–2011–0012; DS63610000 DR2PS0000.CH7000 145DO102R2]**

### Major Portion Prices and Due Date for Additional Royalty Payments on Indian Gas Production in Designated Areas Not Associated With an Index Zone

**AGENCY:** Office of the Secretary, Office of Natural Resources Revenue (ONRR), Interior.

**ACTION:** Notice.

**SUMMARY:** Final regulations for valuing gas produced from Indian leases, published August 10, 1999, require ONRR to determine major portion prices and notify industry by publishing the prices in the **Federal Register**. The regulations also require ONRR to publish a due date for industry to pay additional royalties based on the major portion prices. This notice provides major portion prices for the 12 months of calendar year 2012.

**DATES:** The due date to pay additional royalties based on the major portion prices is May 31, 2014.

**FOR FURTHER INFORMATION CONTACT:** Michael Curry, Manager, Denver B, Western Audit & Compliance, ONRR; telephone (303) 231–3741; fax number (303) 231–3473; email *Michael.Curry@onrr.gov;* or Rob Francoeur, Denver B, Team 2, Western Audit & Compliance, ONRR; telephone (303) 231–3723; fax (303) 231–3473; email *Rob.Francoeur@onrr.gov.* Mailing address: Office of Natural Resources Revenue, Western Audit and Compliance Management, Denver B, P.O. Box 25165, MS 62520B, Denver, Colorado 80225–0165.

**SUPPLEMENTARY INFORMATION:** On August 10, 1999, ONRR published a final rule titled ''Amendments to Gas Valuation Regulations for Indian Leases'' effective January 1, 2000 (64 FR 43506). The gas valuation regulations apply to all gas production from Indian (tribal or allotted) oil and gas leases, except leases on the Osage Indian Reservation.

The regulations require ONRR to publish major portion prices for each designated area not associated with an index zone for each production month beginning January 2000, as well as the due date for additional royalty payments. See 30 CFR 1206.174(a)(4)(ii). If you owe additional royalties based on a published major portion price, you must submit to ONRR by the due date an amended Form ONRR–2014, Report of Sales and Royalty Remittance (formerly Form MMS–2014). If you do not pay the additional royalties by the due date, ONRR will bill you late payment interest under 30 CFR 1218.54. The interest will accrue from the due date until ONRR receives your payment and an amended Form ONRR–2014. The table below lists the major portion prices for all designated areas not associated with an index zone. The due date is the end of the month following 60 days after the publication date of this notice.

GAS MAJOR PORTION PRICES ($/MMBTU) FOR DESIGNATED AREAS NOT ASSOCIATED WITH AN INDEX ZONE

| ONRR-Designated areas | Jan 2012 | Feb 2012 | Mar 2012 | Apr 2012 |
|---|---|---|---|---|
| Blackfeet Reservation | 2.07 | 1.84 | 1.56 | 1.40 |
| Fort Belknap | 4.58 | 4.44 | 4.17 | 4.15 |
| Fort Berthold | 4.06 | 3.82 | 4.05 | 3.36 |
| Fort Peck Reservation | 5.22 | 5.17 | 5.09 | 4.14 |
| Navajo Allotted Leases in the Navajo Reservation | 3.29 | 2.70 | 2.50 | 2.02 |
| Turtle Mountain Reservation | 4.40 | 4.57 | 4.85 | 4.06 |

| ONRR-Designated areas | May 2012 | Jun 2012 | Jul 2012 | Aug 2012 |
|---|---|---|---|---|
| Blackfeet Reservation | 1.65 | 1.52 | 1.90 | 1.88 |
| Fort Belknap | 4.11 | 4.31 | 4.47 | 4.54 |
| Fort Berthold | 2.85 | 2.36 | 2.68 | 2.96 |
| Fort Peck Reservation | 4.27 | 3.69 | 4.30 | 4.36 |
| Navajo Allotted Leases in the Navajo Reservation | 2.09 | 2.52 | 2.64 | 2.83 |

| ONRR-Designated areas | May 2012 | Jun 2012 | Jul 2012 | Aug 2012 |
|---|---|---|---|---|
| Turtle Mountain Reservation | 3.47 | 2.96 | 3.33 | 3.91 |

| ONRR-Designated areas | Sep 2012 | Oct 2012 | Nov 2012 | Dec 2012 |
|---|---|---|---|---|
| Blackfeet Reservation | 1.91 | 2.68 | 2.90 | 2.75 |
| Fort Belknap | 4.39 | 4.61 | 4.82 | 4.83 |
| Fort Berthold | 2.92 | 3.06 | 3.64 | 3.77 |
| Fort Peck Reservation | 4.32 | 4.41 | 5.00 | 5.05 |
| Navajo Allotted Leases in the Navajo Reservation | 2.53 | 2.91 | 3.44 | 3.56 |
| Turtle Mountain Reservation | 3.79 | 3.87 | 4.15 | 4.52 |

For information on how to report additional royalties due to major portion prices, please refer to our Dear Payor letter dated December 1, 1999, on the ONRR Web site at *http://www.onrr.gov/ReportPay/PDFDocs/991201.pdf*

Dated: February 25, 2014.

**Gregory J. Gould,**

*Director, Office of Natural Resources Revenue.*

[FR Doc. 2014–06286 Filed 3–21–14; 8:45 am]

**BILLING CODE 4310–T2–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–510 and 731–TA–1245 (Preliminary)]**

## Calcium Hypochlorite From China

### Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of calcium hypochlorite, provided for in subheadings 2828.10.00, 3808.94.50, and 3808.99.95 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV''), and that are allegedly subsidized by the government of China.

### Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

### Background

On December 18, 2013, a petition was filed with the Commission and Commerce by Arch Chemicals, Inc., a Lonza Company, Atlanta, GA, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of calcium hypochlorite from China. Accordingly, effective December 18, 2013, the Commission instituted countervailing duty investigation No. 701–TA–510 and antidumping duty investigation No. 731–TA–1245 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of December 24, 2013 (78 FR 77712). The conference was held in Washington, DC, on January 8, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 3, 2014. The views of the Commission are contained in USITC Publication 4452 (February 2014), entitled *Calcium Hypochlorite from China: Investigation Nos. 701–TA–510 and 731–TA–1245 (Preliminary).*

By order of the Commission.

Issued: February 3, 2014.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2014–06226 Filed 3–21–14; 8:45 am]

**BILLING CODE 7020–02–P**

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

## DEPARTMENT OF JUSTICE

**[OMB Number 1117–0043]**

## Agency Information Collection Activities; Proposed eCollection eComments Requested; Drug Questionnaire—DEA Form 341

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 30-day notice.

**SUMMARY:** The Department of Justice (DOJ), Drug Enforcement Administration (DEA) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 13, page 3407 on January 21, 2014, allowing for a 60 day comment period.

**DATES:** The purpose of this notice is to allow for an additional 30 days for public comment until April 23, 2014.

**FOR FURTHER INFORMATION CONTACT:** 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 Raymond A. Pagliarini, Jr., Assistant Administrator, Human Resources Division, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

**SUPPLEMENTARY INFORMATION:** This process is conducted in accordance with 5 CFR 1320.10. 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 agencies 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 1117–0043**

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Drug Questionnaire (DEA Form 341)\.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

*Form number:* DEA Form 341.

*Component:* Human Resources Division, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* Individuals.

Other: None.

*Abstract:* DEA Policy states that a past history of illegal drug use may be a disqualification for employment with DEA. This form asks job applicants specific questions about their personal history, if any, of illegal drug use.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 255,000 respondents will respond annually, taking 5 minutes to complete each form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 21,250 annual burden 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: March 18, 2014.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2014–06256 Filed 3–21–14; 8:45 am]

BILLING CODE 4410–09–P

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## DEPARTMENT OF JUSTICE

**[OMB Number 1110–0002]**

## Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Supplementary Homicide Report

**AGENCY:** Federal Bureau of Investigation, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** 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 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.

**DATES:** Comments are encouraged and will be accepted for 60 days until May 23, 2014.

**FOR FURTHER INFORMATION CONTACT:** All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625–3566.

**SUPPLEMENTARY INFORMATION:** This process is conducted in accordance with 5 CFR 1320.10. 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) Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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 a currently approved collection.

(2) *The title of the form/collection:* Supplementary Homicide Report.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form 1–704; 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, tribal, and federal law enforcement agencies. Under Title 28, U.S. Code, 534, this information collection requests homicide data from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of homicide data and to publish these statistics in Crime in the United States.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: There are a potential of 18,233 law enforcement agency respondents; 11,586 for the Summary Reporting System (SRS) and 6,647 for the National

Incident-Based Reporting System (NIBRS). NIBRS burden hours are collected on the NIBRS Information Collection Request. Calculated estimates for an SRS respondent to respond indicate 9 minutes per month. The total annual burden hour per respondent is 1 hour and 48 minutes.

*Total Annual Hour Burden:*

9 minutes × 12 months = 108/60 = 1 hour and 48 minutes

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 20,855 hours, annual burden, associated with this information collection.

11,586 respondents x 12 responses/year = 139,032 total annual responses

$$\frac{139{,}032 \text{ x } 9 \text{ minutes}}{60 \text{ minutes (1 hour)}} = 20{,}855 \text{ total annual hour burden}$$

(This burden estimate does not include the 6,696 National Incident-Based Reporting System (NIBRS) agencies; the NIBRS burden hours are captured in the NIBRS Information Collection Request.)

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: March 19, 2014.

**Jerri Murray,**

*Department Clearance Officer for PRA, United States Department of Justice.*

[FR Doc. 2014–06254 Filed 3–21–14; 8:45 am]

**BILLING CODE 4410–02–P**

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## DEPARTMENT OF JUSTICE

**[OMB Number 1123–0010]**

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Request for Registration Under the Gambling Devices Act of 1962

**AGENCY:** Criminal Division, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Criminal Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 8, page 2199, on January 13, 2014, allowing for a 60 day comment period.

**DATES:** The purpose of this notice is to allow for an additional 30 days for public comment until April 23, 2014.

**FOR FURTHER INFORMATION CONTACT:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be submitted to *OIRA_submission@omb.eop.gov.*

**SUPPLEMENTARY INFORMATION:** This process is conducted in accordance with 5 CFR 1320.10. 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 currently approved collection.

(2) *Title of the Form/Collection:* Request for Registration under the Gambling Devices Act of 1962.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: DOJ\CRM\OEO\GDR–1. Sponsoring component: Department of Justice, Criminal Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Not-for-profit institutions, individuals or households, and State, Local or Tribal Government. The form can be used by any entity required to register under the Gambling Devices Act of 1962 (15 U.S.C. 1171–1178).

(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 7,400 respondents will complete each form within approximately 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 617 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: March 18, 2014.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2014–06257 Filed 3–21–14; 8:45 am]

**BILLING CODE 4410–14–P**

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## DEPARTMENT OF JUSTICE

**[OMB Number 1110–0039]**

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Bioterrorism Preparedness Act: Entity/Individual Information

**AGENCY:** Federal Bureau of Investigation, Department of Justice.

**ACTION:** 30-day notice.

**SUMMARY:** 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. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 9, pages 2471–2472, on January 14, 2014, allowing for a 60 day comment period.

**DATES:** The purpose of this notice is to allow for an additional 30 days for public comment until April 23, 2014.

**FOR FURTHER INFORMATION CONTACT:** 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 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.

**SUPPLEMENTARY INFORMATION:** This process is conducted in accordance with 5 CFR 1320.10. 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, Policy and Planning Staff, Justice Management Division, U.S. Department of Justice, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: March 18, 2014.

**Jerri Murray,**

*Department Clearance Officer for PRA, United States Department of Justice.*

[FR Doc. 2014–06255 Filed 3–21–14; 8:45 am]

**BILLING CODE 4410–02–P**

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## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Report of Construction Contractor's Wage Rates

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Wage and Hour Division (WHD) sponsored information collection request (ICR) revision titled, ''Report of Construction Contractor's Wage Rates,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

**DATES:** Submit comments on or before April 23, 2014.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201302–1235–003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–WHD, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks approval for changes to the Report of Construction Contractor's Wage Rates, Form WD–10. The DOL uses Form WD–10 to elicit construction project data from contractor associations, contractors, and labor organizations. The WHD uses the wage data to determine locally prevailing wages under the Davis-Bacon and Related Acts. This ICR has been classified as a revision, because the WHD seeks approval for changes to the electronic version of Form WD–10 and corresponding instructions for completing the electronic Form WD–10. These changes will offer new functionality and user-friendly enhancements to the online version of the form. As needed, corresponding changes will be made to the print version Form WD–10. While respondents may submit the information covered by Form WD–10 in

an alternative format, using the form ensures relevant information is consistently provided in a way that reduces burden for both the submitter and the WHD.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1235–0015. The current approval is scheduled to expire on March 31, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 3, 2013 (78 FR 72715).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1235–0015. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL–WHD.

*Title of Collection:* Report of Construction Contractor's Wage Rates.

*OMB Control Number:* 1235–0015.

*Affected Public:* Private Sector—businesses or other for-profits and not-for-profit institutions.

*Total Estimated Number of Respondents:* 22,000.

*Total Estimated Number of Responses:* 66,000.

*Total Estimated Annual Time Burden:* 22,000 hours.

*Total Estimated Annual Other Costs Burden:* $0.

Dated: March 18, 2014.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2014–06396 Filed 3–21–14; 8:45 am]

**BILLING CODE 4510–27–P**

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## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

### Proposed Collection, Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed test of the ''Occupational Requirements Survey.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the Addresses section of this notice.

**DATES:** Written comments must be submitted to the office listed in the Addresses section of this notice on or before May 23, 2014.

**ADDRESSES:** Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number.)

**FOR FURTHER INFORMATION CONTACT:** Nora Kincaid, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number.) (See Addresses section.)

**SUPPLEMENTARY INFORMATION:**

### I. Background

The Occupational Requirements Survey (ORS) is a nationwide test survey that the Bureau of Labor Statistics (BLS) will conduct at the request of the Social Security Administration (SSA).

BLS will evaluate ORS survey processes and operations in a production environment. Data collection and capture will run for approximately six months and will conclude in FY 2015. A full evaluation of the data elements captured for this test will be followed by an evaluation of the processes, survey design, and other test program elements.

Estimates produced from the test data collected by this ORS Test will be used by the SSA to determine how to use updated requirements data in administering the Social Security Disability Insurance (SSDI) program but will not be used to resolve any determination cases.

The Social Security Administration, Members of Congress, and representatives of the disability community have all identified collection of updated information on the requirements of work in today's economy as crucial to the equitable and efficient operation of the SSDI program. The information currently available is more than 20 years old.

The ORS will collect data from a sample of employers. These requirements of work data will consist of information about the duties, responsibilities, job tasks and earnings for a sample of occupations for each sampled employer.

This is a one-time ORS test for sampled establishments.

### II. Current Action

Office of Management and Budget clearance is being sought for the Occupational Requirements Survey Test.

The following data will be collected in this ORS test as defined by the SSA's disability program and is data that the National Compensation Survey (NCS) does not currently collect:

(1) An indicator of ''time to proficiency,'' defined as the amount of time required by a typical worker to learn the techniques, acquire the information, and develop the facility

needed for average job performance, comparable to the Specific Vocational Preparation (SVP) used in the Dictionary of Occupational Titles (DOT).

(2) Physical Demand characteristics/factors of occupations, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix C of the Selected Characteristics of Occupations (SCO).

(3) Environmental Conditions, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix D of the SCO.

(4) Data elements that describe the mental and cognitive demands of work.

(5) Occupational Task lists data as identified in the Employment and Training Administration's (ETA's) O*Net Program in order to validate the key tasks common across establishments and identify other tasks commonly performed.

Some data needed for ORS are currently collected by BLS's NCS. The ORS data will be collected with the same methodology as data collected for NCS. The general establishment data collected on establishments in the survey samples will be the same for ORS and NCS. The Probability Selection of Occupations (PSO) methodology—a disaggregating technique for selecting individual items from a large number of items—will also be used by both ORS and NCS. For ORS and NCS, these items are employees, occupations, divisions, or sub-units depending upon the application of the sampling procedure being used. Wages (earnings) are elements of the ORS data already collected by the NCS. The work level of jobs data (factor evaluation method with four factors to evaluate the work level) methodology will also be used in the ORS survey, as it is currently in NCS.

The ORS Test Time Schedule calls for data collection to go from September 2014 to March 2015.

BLS will disseminate the ORS test results in September 2015. The ORS Test will have 8 collection forms (having unique private industry and government collection forms). For those sampled establishments that are in the current NCS, the ORS survey will use NCS data and forms for those data elements that overlap.

### III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*Type of Review:* New Collection.

*Agency:* Bureau of Labor Statistics.

*Title:* Occupational Requirements Survey.

*OMB Number:* 1220–XXXX.

*Affected Public:* Businesses or other for-profit; not-for-profit institutions; and State, local, and tribal government.

*Total Respondents:* 2550.

*Total Burden Cost (capital/startup):* $0.

*Total Burden Cost (operating/maintenance):* $0.

All figures below are for the anticipated respondent collection burden by forms for FY 2014 and FY 2015 for this test survey.

| Form | Total respondents per form | Frequency | Total annual responses | Average minutes for the predominant form use | Total hours |
|---|---|---|---|---|---|
| Establishment collection form (ORS Form 1 PP–1G ) | 256 | 1 | 256 | 19 | 81 |
| Establishment collection form (ORS Form 1 PP–1P) | 1452 | 1 | 1452 | 19 | 460 |
| Earnings form (ORS Form 2 PP–2G) | 256 | 1 | 256 | 20 | 85 |
| Earnings form (ORS Form 2 PP–2P) | 1452 | 1 | 1452 | 20 | 484 |
| Work Level (ORS Form 3 PP–3G) | 256 | 1 | 256 | 25 | 107 |
| Work Level (ORS Form 3 PP3–3P) | 1452 | 1 | 1452 | 25 | 605 |
| Occupation requirements (ORS Form 4 PPD–4G) | 382 | 1 | 382 | 76 | 484 |
| Occupation requirements (ORS Form 4 PPD–4P) | 2168 | 1 | 2168 | 76 | 2746 |
| Totals | 7674 | | 7674 | | 5052 |

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 10th day of March 2014.

**Eric Molina,**

*Acting Chief, Division of Management Systems, Bureau of Labor Statistics.*

[FR Doc. 2014–06376 Filed 3–21–14; 8:45 am]

BILLING CODE 4510–24–P

## BUREAU OF LABOR STATISTICS

### Data Users Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Data Users Advisory Committee will meet on Thursday, May 8th, 2014. The meeting will be held in the Postal Square Building, 2 Massachusetts Avenue NE.; Washington, DC.

The Committee provides advice to the Bureau of Labor Statistics from the points of view of data users from various sectors of the U.S. economy, including the labor, business, research, academic, and government communities, on technical matters related to the collection, analysis, dissemination, and use of the Bureau's statistics, on its published reports, and on the broader aspects of its overall mission and function.

The meeting will be held in Meeting Rooms 1, 2, and 3 of the Postal Square Building Conference Center. The schedule and agenda for the meeting are as follows:

8:30 a.m. Registration

9:00 a.m. Commissioner's welcome and review of agency developments

9:30 a.m. BLS Strategic Initiatives

- Emerging Data Needs and Rapid

Response
- Alternative Data Sources
- Standardizing BLS Data Taxonomy

11:30 p.m. Trust in Government Statistics—What we do at BLS
1:30 p.m. Should the Current Employment Statistics (CES) publish 12–60 months of revisions every month?
2:30 p.m. Changes in 2010 Census areas and the effect of producing estimates for large geographic areas in the Employment Cost Index (ECI) and the Employer Costs for Employee Compensation (ECEC) programs
3:45 p.m. Using customized tables in the Office of Productivity and Technology (OPT)
4:45 p.m. Future topics and meeting wrap-up

The meeting is open to the public. Any questions concerning the meeting should be directed to Kathy Mele, Data Users Advisory Committee, on 202.691.6102. Individuals who require special accommodations should contact Ms. Mele at least two days prior to the meeting date.

Signed at Washington, DC, this 19th day of March, 2014.

**Kimberley D. Hill,**

*Chief, Division of Management Systems, Bureau of Labor Statistics.*

[FR Doc. 2014–06377 Filed 3–21–14; 8:45 am]

**BILLING CODE 4510–24–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: (14–032)]**

### NASA Advisory Council; Human Exploration and Operations Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Committee (HEOC) of the NASA Advisory Council (NAC). This Committee reports to the NAC.

**DATES:** Monday, April 14, 2014, 10:00 a.m. to 4:45 p.m.; and Tuesday, April 15, 2014, 10:30 a.m. to 2:00 p.m. Both days are Local Time.

**ADDRESSES:** NASA Headquarters, Room MIC 7A, 300 E Street SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Dr. Bette Siegel, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2245, or *bette.siegel@nasa.gov.*

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. Any interested person may call the USA toll free conference call number (888) 790–2947 or toll number (312) 470–7401, pass code 1746443, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/,* the meeting number is 395 692 087, and the password is April2014@hq.

The agenda for the meeting includes the following topics:

—Status of Human Exploration and Operations
—Research Subcommittee Report
—Status of International Space Station
—Status of Commercial Space Development
—NASA Space Flight Program and Project Management Requirements
—Status of Exploration Systems Development

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Dr. Bette Siegel via email at *bette.siegel@nasa.gov* or by fax at (202) 358–2885. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Dr. Bette Siegel. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

**Patricia D. Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2014–06384 Filed 3–21–14; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: (14–031)]**

### NASA Advisory Council; Technology and Innovation Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Technology and Innovation Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

**DATES:** Tuesday, April 15, 2014, 8:30 a.m. to 5:15 p.m., Local Time.

**ADDRESSES:** NASA Headquarters, Room MIC 5A, 300 E Street SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Green, Space Technology Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4710, or *g.m.green@nasa.gov.*

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. Any interested person may call the USA toll free conference call number (866) 804–6148, passcode 3472886, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/,* the meeting number is 997 239 320, and the password is Technology0414#.

The agenda for the meeting includes the following topics:

—Space Technology Mission Directorate Update
—Office of the Chief Technologist Update
—Overview and Update on Small Spacecraft Program
—Briefing and Overview of NASA's Advance Manufacturing Activities
—Office of the Chief Engineer Update and Role in New Committee Charter

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before receiving access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport

information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Anyah Dembling via email at *anyah.b.dembling@nasa.gov* or by telephone at (202) 358–5195. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ms. Anyah Dembling. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

**Patricia D. Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2014–06383 Filed 3–21–14; 8:45 am]

BILLING CODE 7510–13–P

## NATIONAL SCIENCE FOUNDATION

### Understanding the Spectrum Environment: Using Data and Monitoring To Improve Spectrum Utilization

**AGENCY:** The National Coordination Office (NCO) for Networking and Information Technology Research and Development (NITRD).

**ACTION:** Notice.

**FOR FURTHER INFORMATION CONTACT:** Wendy Wigen at 703–292–4873 or *wigen@nitrd.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**DATES:** March 31, 2014.

**SUMMARY:** Representatives from Federal research agencies, private industry, and academia will identify R&D in the area of data and monitoring that will promote progress toward more efficient spectrum utilization and sharing.

**SUPPLEMENTARY INFORMATION:**

*Overview:* This notice is issued by the National Coordination Office for the Networking and Information Technology Research and Development (NITRD) Program. Agencies of the NITRD Program are holding the fifth in a series of workshops to bring together experts from private industry and academia to help identify spectrum data and monitoring research that will accelerate the progress toward more efficient spectrum utilization and sharing. The workshop will take place on March 31, 2014, from 9:00 a.m. to 6:00 p.m. ET at the National Science Foundation, Room II–555, 4201 Wilson Blvd., Arlington, VA 22230. This event will be Web cast. The event agenda and information about the Web cast will be available the week of the event at: *http://www.nitrd.gov/nitrdgroups/index.php?title=Wireless_Spectrum_Research_and_Development_(WSRD)#title*.

*Background:* The Presidential Memorandum on Unleashing the Wireless Broadband Revolution, released on June 28, 2010, directed the federal agencies to work together and with the non-federal community, including the academic, commercial, and public safety sectors, to create and implement a plan that ''facilitates research, development, experimentation, and testing by researchers to explore innovative spectrum-sharing technologies.''

The WSRD has held four workshops that addressed the challenge defined in that Presidential Memorandum. During WSRD's first Workshop held at Boulder, CO, in July 2011, the participants indicated that a national-level testing environment is critical for validating spectrum sharing technology under realistic conditions; they also emphasized the value of a spectrum sharing testing environment for a diversity of users. At a second workshop, held in Berkeley, CA, in January 2012, key concepts and criteria were established for spectrum sharing test and evaluation capabilities. The third workshop, held in Boulder, CO, in July 2012, identified realistic projects whose implementation will significantly support the plan to meet the Presidential Memorandum's goals. The fourth workshop, held in Cambridge, MA, in April 2013, resulted in recommendations for the economic and policy research that is needed to promote an efficient and shared spectrum environment. This workshop will focus on new opportunities for understanding the spectrum environment presented by improvements in monitoring and data analysis.

Submitted by the National Science Foundation for the National Coordination Office (NCO) for Networking and Information Technology Research and Development (NITRD) on March, 18, 2014.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2014–06327 Filed 3–21–14; 8:45 am]

BILLING CODE 7555–01–P

## NEIGHBORHOOD REINVESTMENT CORPORATION

### Regular Board of Directors Meeting; Sunshine Act

**TIME & DATE:** 10:00 a.m., Thursday, March 27, 2014.

**PLACE:** NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington DC 20002.

**STATUS:** Open (with the exception of Executive Session).

**CONTACT PERSON:** Jeffrey Bryson, General Counsel/Secretary, (202) 760–4101; *jbryson@nw.org*.

**AGENDA:**

I. CALL TO ORDER
II. Presentation to Michael Forster, CFO
III. Approval of Minutes
IV. Executive Session: Officer FY'13 Performance Review
V. Executive Session: Management Internal Operations Review
VI. Approval of FY'13 Audit
VII. Lease Renewal Parameters
VIII. Sustainable Homeownership RFP
IX. Resolution Recognizing Sarah Raskin
X. Successor to CounselorMax
XI. Grants to NeighborWorks Capital and Community Housing Capital
XII. Financial Report
XIII. Performance against Strategic Plan and Final FY13 Dashboard/Scorecard
XIV. Adjournment

**Jeffrey T. Bryson,**

*EVP & General Counsel/Corporate Secretary.*

[FR Doc. 2014–06538 Filed 3–20–14; 4:15 pm]

BILLING CODE 7570–02–P

## NUCLEAR REGULATORY COMMISSION

**[Docket No. NRC–2013–0270]**

### Agency Information Collection Activities: Submission for the Office of Management and Budget Review; Comment Request

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget (OMB) review of information collection and solicitation of public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an

agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on December 27, 2013 (78 FR 79016).

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* Comprehensive Decommissioning Program, Including Annual Data Collection.

3. *Current OMB approval number:* 3150–0206.

4. *How often the collection is required:* Annually.

5. *Who will be required or asked to report:* All Agreement States who have signed Section 274(b) Agreements with the NRC.

6. *An estimate of the number of annual responses:* 37 (14 Agreement States respondents with sites of interest + 23 Agreement States respondents with no sites of interest).

7. *The estimated number of annual respondents:* 37 (14 Agreement States respondents with sites of interest + 23 Agreement States respondents with no sites of interest).

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 469 (400 hours from Agreement States with sites of interest + 69 hours from Agreement States with no sites of interest).

9. *Abstract:* The Agreement States will be asked to provide information about uranium recovery and complex sites undergoing decommissioning regulated by the Agreement States on an annual basis. The information request will allow the NRC to compile, in a centralized location, more complete information on the status of decommissioning and decontamination in the United States in order to provide a national perspective on decommissioning. The information will be made available to the public by the NRC in order to ensure openness and promote communication to enhance public knowledge of the national decommissioning program. This does not apply to information, such as trade secrets and commercial or financial information provided by the Agreement States, that is considered privileged or confidential. Information such as financial assurance and the status of decommissioning funding would need to be identified by the Agreement State as privileged or confidential, whereupon the NRC would withhold such information from public access and treat it as sensitive or non-sensitive, per the considerations in 10 CFR 2.390 and 9.17. This does not apply to financial assurance or decommissioning funding information that is already available to the public. Although specific details of the funding mechanisms are treated as confidential, beneficial lessons learned regarding the improvement of decommissioning-related funding will be shared with the Agreement States.

The public may examine, and have copied for a fee, publicly-available documents, including the final 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 and questions should be directed to the OMB reviewer listed below by April 23, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Danielle Y. Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–0206), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The Acting NRC Clearance Officer is Kristen Benney, telephone: 301–415–6355.

Dated at Rockville, Maryland, this 18th day of March, 2014.

For the Nuclear Regulatory Commission.

**Kristen Benney,**

*Acting NRC Clearance Officer, Office of Information Services.*

[FR Doc. 2014–06259 Filed 3–21–14; 8:45 am]

**BILLING CODE 7590–01–P**

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## NUCLEAR REGULATORY COMMISSION

**[Docket Nos.: 52–034 and 52–035; NRC–2008–0594]**

## Luminant Generation Company, LLC; Combined License Application for Comanche Peak Nuclear Power Plant, Units 3 and 4, Exemption

### 1.0 Background

Luminant Generation Company, LLC. (Luminant) submitted to the U.S. Nuclear Regulatory Commission (NRC), Combined License (COL) applications for two United States—Advanced Pressurized Water Reactors (US–APWR) in accordance with the requirements of Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR), Subpart C, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' These reactors will be identified as Comanche Peak Nuclear Power Plant (CPNPP), Units 3 and 4, and are located at the existing Comanche Peak site in Somervell County, Texas. The NRC docketed the application on December 2, 2008, and is currently performing a review of the application. In addition, the NRC is currently performing a detailed review of the Mitsubishi Heavy Industries, Ltd. (MHI) application for the design certification of the US–APWR.

### 2.0 Request/Action

The regulations specified in 10 CFR 50.71(e)(3)(iii) require that an applicant for a COL under Subpart C of 10 CFR Part 52 shall, during the period from docketing of a COL application (COLA), until the Commission makes a finding under 10 CFR 52.103(g) pertaining to facility operation, submit an annual update to the application's Final Safety Analysis Report (FSAR), which is a part of the COLA.

On November 7, 2013, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13316A369) Luminant submitted a request to the NRC that all reviews associated with the COLA for CPNPP, Units 3 and 4, be suspended for an indeterminate period beginning March 31, 2014. Luminant then submitted COLA, FSAR, Revision 4, on November 26, 2013 (ADAMS Accession No. ML13344B515). Pursuant to 10 CFR 50.71(e)(3)(iii), the next annual update (COLA, FSAR, Revision 5) would be due in November 2014. On January 14, 2014, Luminant requested an exemption from the requirements of 10 CFR 50.71(e)(3)(iii) for an indeterminate period until a change in COLA status is formally requested (ADAMS Accession No. ML14016A298).

In summary, the requested exemption from the requirements of 10 CFR 50.71(e)(3)(iii) is for an indeterminate period. The exemption would allow Luminant to submit the subsequent FSAR update (Revision 5) one year after the COLA review suspension period is formally ended. The FSAR update schedule could not be changed, absent the exemption.

Luminant's requested exemption is interpreted as a one-time schedule change from the requirements of 10 CFR 50.71(e)(3)(iii). In its request, Luminant asked the NRC to grant the exemption

from 10 CFR 50.71(e)(3)(iii), until one year after the end of the suspension period. Because such a request is seen as open-ended, the NRC included an imposed November 30, 2015 deadline as part of its review of the exemption request. The exemption would allow Luminant to submit the next FSAR update at a later date, but still within a reasonable timeframe of NRC's reinstating its review of the application and in any event, by November 30, 2015. The current requirement to submit an FSAR update could not be changed, absent the exemption.

**3.0 Discussion**

Pursuant to 10 CFR 50.12, the NRC may upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, including Section 50.71(e)(3)(iii) when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) special circumstances are present. As relevant to the requested exemption, special circumstances exist if: (1) ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule'' (10 CFR 50.12(a)(2)(ii)); (2) ''Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated'' (10 CFR 50.12(a)(2)(iii)); or (3) ''The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation'' (10 CFR 50.12(a)(2)(v)).

The purpose of 10 CFR 50.71(e)(3)(iii) is to ensure that the NRC has the most up to date information regarding the COL application, in order to perform an efficient and effective review. The rule targeted those applications that are being actively reviewed by the NRC. Because Luminant requested the NRC suspend its review of the CPNPP, Units 3 and 4 COL application, compelling Luminant to submit its FSAR on an annual basis is not necessary as the FSAR will not be changed or updated until the review is restarted. Requiring the updates would result in undue hardship on Luminant, and the purpose of 50.71(e)(3)(iii) would still be achieved if the update is submitted after restarting the review and in any event by November 30, 2015.

The requested exemption for filing CPNPP COLA FSAR updates would provide relief from the regulations of 10 CFR 50.71(e)(3)(iii) until 1 year after the review suspension has formally been ended. Luminant has made good faith efforts to comply with 10 CFR 50.71(e)(3)(iii) by maintaining a ''living'' COLA, in which Luminant continuously incorporates changes resulting from its responses to requests for additional information (RAIs), commitments, or other identified changes. Luminant has also submitted proposed changes to the COLA FSAR pages along with responses to NRC RAIs. Additionally, Luminant has periodically submitted Updated Tracking Reports, which provide changes to the COLA FSAR that reflect changes to the COLA FSAR.

*Authorized by Law*

The exemption is a one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii). The exemption would allow the applicant to submit the CPNPP, Units 3 and 4, COLA FSAR annual update currently scheduled for November 2014, on or before November 30, 2015 and to submit the subsequent FSAR annual update in November 2016. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions. The NRC staff has determined that granting Luminant a one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii) will provide only temporary relief from this regulation and will not result in a violation of the Atomic Energy Act of 1954, as amended, or the NRC's regulations. Therefore, the exemption is authorized by law.

*No Undue Risk to Public Health and Safety*

The underlying purpose of 10 CFR 50.71(e)(3)(iii) is to provide for a timely and comprehensive update of the FSAR associated with a COLA in order to support an effective and efficient review by the NRC staff and issuance of the NRC staff's safety evaluation report (SER). The requested exemption is solely administrative in nature, in that it pertains to the schedule for submittal to the NRC of revisions to an application under 10 CFR Part 52, for which a license has not been granted.

Based on the above, no new accident precursors are created by the exemption; thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. Therefore, there is no undue risk to public health and safety.

*Consistent With Common Defense and Security*

The authorized exemption would allow Luminant to submit the FSAR annual update (Revision 5) currently scheduled for November 2014, on or before November 30, 2015 and to submit the subsequent FSAR annual update in November 2016. This schedule change has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

*Special Circumstances*

Special circumstances, in accordance with 10 CFR 50.12(a)(2), are present whenever: (1) ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule'' (10 CFR 50.12(a)(2)(ii)); (2) ''Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated'' (10 CFR 50.12(a)(2)(iii)); or (3) ''The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation'' (10 CFR 50.12(a)(2)(v)).

The underlying purpose of 10 CFR 50.71(e)(3)(iii) is to provide for a timely and comprehensive update of the FSAR associated with a COLA in order to support an effective and efficient review by the NRC staff and issuance of the NRC staff's SER. As discussed above, the requested exemption is solely administrative in nature, in that it pertains to submittal of revisions to an application under 10 CFR Part 52, for which a license has not been granted. Because the requirement to annually update the FSAR was intended for active reviews and the CPNPP Units 3 and 4 COL application review will soon be suspended, the application of this regulation in this particular circumstance is unnecessary in order to achieve its underlying purpose. The requested exemption would permit Luminant to fully suspend work on the CCNPP COLA FSAR for more than 1 year. Due to the suspension of review work, this exemption will not affect the NRC staff's review, and therefore does not affect the underlying purpose of 10 CFR 50.71(e)(3)(iii). Because the application of 10 CFR 50.71(e)(3)(iii) in the particular circumstances is not necessary to achieve the underlying purpose of that rule; granting a one-time

exemption from 10 CFR 50.71(e)(3)(iii) would provide relief during the suspension of review work. Since Luminant has made good faith efforts to comply with the regulation, the special circumstances required by 10 CFR 50.12 (a)(2) for the granting of an exemption from 10 CFR 50.71(e)(3)(iii) exist.

*Eligibility for Categorical Exclusion From Environmental Review*

With respect to the exemption's impact on the quality of the human environment, the NRC has determined that this specific exemption request is eligible for categorical exclusion as identified in 10 CFR 51.22(c)(25) and justified by the NRC staff as follows:

(c) The following categories of actions are categorical exclusions:

(25) Granting of an exemption from the requirements of any regulation of this chapter, provided that—

(i) There is no significant hazards consideration;

The criteria for determining whether there is no significant hazards consideration are found in 10 CFR 50.92. The proposed action involves only a schedule change regarding the submission of an update to the application for which the licensing review has been suspended. Therefore, there is no significant hazards consideration because granting the proposed exemption would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

(ii) There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite;

The proposed action involves only a schedule change which is administrative in nature, and does not involve any changes to be made in the types or significant increase in the amounts of effluents that may be released offsite.

(iii) There is no significant increase in individual or cumulative public or occupational radiation exposure;

Since the proposed action involves only a schedule change which is administrative in nature, it does not contribute to any significant increase in occupational or public radiation exposure.

(iv) There is no significant construction impact;

The proposed action involves only a schedule change which is administrative in nature; the application review is suspended until further notice, and there is no consideration of any construction at this time, and hence the proposed action does not involve any construction impact.

(v) There is no significant increase in the potential for or consequences from radiological accidents; and

The proposed action involves only a schedule change which is administrative in nature, and does not impact the probability or consequences of accidents.

(vi) The requirements from which an exemption is sought involve:

(B) Reporting requirements;

The exemption request involves submitting an updated FSAR by Luminant and

(G) Scheduling requirements;

The proposed exemption relates to the schedule for submitting FSAR updates to the NRC.

## 4.0 Conclusion

Accordingly, the NRC has determined that, pursuant to 10 CFR 50.12(a), a one-time exemption is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the NRC hereby grants Luminant a one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii) pertaining to the CPNPP, Units 3 and 4, COLA to allow the submittal of the FSAR update scheduled for November 2014, on or before November 30, 2015 and to submit the subsequent FSAR annual update in November 2016.

Pursuant to 10 CFR 51.22, the Commission NRC has determined that the exemption request meets the applicable categorical exclusion criteria set forth in 10 CFR 51.22(c)(25), and the granting of this exemption will not have a significant effect on the quality of the human environment.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 13th day of March 2014.

For the Nuclear Regulatory Commission.

**Samuel Lee,**

*Chief, Licensing Branch 2, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. 2014–06354 Filed 3–21–14; 8:45 am]

**BILLING CODE 7590–01–P**

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## POSTAL REGULATORY COMMISSION

**[Docket Nos. CP2012–59 and CP2014–36; Order No. 2025]**

## International Mail Contract

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning an International Business Reply Service Competitive Contract 3 (IBRS Competitive Contract 3) negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* March 25, 2014.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** Brian Corcoran, Acting General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

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I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

## I. Introduction

On March 14, 2014, the Postal Service filed notice that it has established contingency prices pursuant to an existing, albeit expired, International Business Reply Service Competitive Contract 3 (IBRS Competitive Contract 3) negotiated service agreement.[1]

The Notice includes four attachments: A redacted copy of the notice to the customer of the contingency prices, a redacted copy of Governors' Decision No. 08–24, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also includes supporting financial workpapers.

## II. Notice of Filings

The Postal Service filed its Notice in Docket No. CP2014–36. However, the contingency prices described in the Notice were established pursuant to a term of an agreement approved by the Commission in Docket No. CP2012–59 that continued in effect after the agreement expired.[2] As such, the contingency prices are more properly

[1] Notice of United States Postal Service of Prices Under Functionally Equivalent International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, March 14, 2014 (Notice).

[2] Notice at 2. *See also* Docket No. CP2012–59, Order No. 1480, Order Approving New International Business Reply Service Competitive Contract 3 Agreement, September 27, 2012.

considered in connection with the docket relating to the expired agreement.[3] Consequently, the Commission reopens Docket No. CP2012–59 for consideration of matters raised by the Notice. Docket No. CP2014–36 is closed.

Interested persons may submit comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than March 25, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Manon A. Boudreault to serve as Public Representative in this docket.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission reopens Docket No. CP2012–59 for consideration of the matters raised by the Postal Service's Notice.
2. Docket No. CP014–36 is closed.
3. Pursuant to 39 U.S.C. 505, Manon A. Boudreault is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).
4. Comments by interested persons in these proceedings are due no later than March 25, 2014.
5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**

*Secretary.*

[FR Doc. 2014–06236 Filed 3–21–14; 8:45 am]

**BILLING CODE 7710–FW–P**

[3] The Commission previously established separate dockets for the consideration of contingency prices established pursuant to an IBRS Competitive Contract 1 agreement. *See, e.g.,* Docket No. CP2013–28, Order No. 1587, Notice and Order Concerning International Business Reply Service Competitive Contract 1 Product, December 18, 2012. However, unlike the instant contract, the IBRS Competitive Contract 1 agreement was executed before the Commission's rules governing competitive products took effect. *Id.* at 3. As a result, there was no docket for the underlying agreement that the Commission could have reopened.

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## POSTAL REGULATORY COMMISSION

**[Docket No. R2014–7; Order No. 2024]**

## International Mail Contract

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning a Type 2 rate adjustment and the filing of a related negotiated service agreement with China Post Group. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* March 24, 2014.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** Brian Corcoran, Acting General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

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## I. Introduction

On March 14, 2014, the Postal Service filed notice, pursuant to 39 CFR 3010.40 *et seq.,* of a Type 2 rate adjustment and the filing of a related negotiated service agreement with China Post Group involving the inbound portion of a multi-product bilateral agreement (2014 Agreement).[1] The Postal Service requests that the Commission include the 2014 Agreement within the Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators (MC2010–35, R2010–5, and R2010–6) (Foreign Postal Operators 1) product. *Id.* at 13.

## II. Contents of Filing

The Postal Service's filing consists of the Notice, two attachments, and redacted and unredacted versions of an Excel file with supporting financial workpapers. *Id.* at 2. Attachment 1 is an application for non-public treatment of material filed under seal with the Commission. *Id.* Attachment 2 is a redacted copy of the 2014 Agreement. *Id.*

The Notice identifies May 1, 2014 as the intended effective date of the 2014 Agreement and June 30, 2015 as the expiration date. *Id.* at 11. The Notice asserts that the requisite 45 days' advance notice is being provided; identifies a Postal Service official as a contact for further information; and identifies the parties to the Agreement as the United States Postal Service and China Post Group, the postal operator for China. *Id.* at 2–4. The Notice states that the Agreement includes delivery confirmation scanning with Letter Post small packets, a service also included in the China Post 2010, China Post 2011, and China Post 2013 Agreements. *Id.* at 4. However, it states that the 2014 Agreement includes two versions of inbound scanning with small packets: China to United States Small Packet with Delivery Scanning Dispatched by China EMS (the subject of Annex 2) and China to United States Small Packet with Delivery Scanning Dispatched by China Letter Post (the subject of Annex 10). *Id.* It asserts that the two versions acknowledge the roles of, differentiate processing by, and improve settlement procedures in relation to the two entities within China Post that dispatch inbound delivery confirmation scanning with small packets. *Id.*

The Notice states that the financial workpapers address the expected financial improvements, costs, volumes, and revenues; describes several operational improvements; and provides reasons why the 2014 Agreement will not result in unreasonable harm to the marketplace. *Id.* at 4–7. It also includes requests for exceptions to the financial data and service performance requirements in 39 CFR 3010.43 and 3055.3(a)(3), respectively; addresses the consistency of the filing with the statutory criteria in 39 U.S.C. 3622(c)(10); and discusses functional equivalency. *Id.* at 8–12. The functional equivalency discussion identifies the predecessor 2013 China Post Agreement as the baseline agreement; describes differences between the 2014 Agreement and the baseline agreement; and concludes that the differences do not affect the similarity of market characteristics or similarity of cost characteristics of the two agreements. *Id.* at 11–12.

## III. Initial Commission Action

The Commission, in conformance with rule 3010.44, establishes Docket No. R2014–7 to consider issues raised by the Notice. The Commission invites public comments on whether the Postal Service's filing in the captioned docket is consistent with the policies of 39 U.S.C. 3622 and 39 CFR part 3010, subpart D. Comments are due no later than March 24, 2014. The public portions of the Postal Service's filing have been posted on the Commission's Web site and can be accessed at *http://www.prc.gov.* Information on the Commission's treatment of non-public materials, including how to obtain

[1] Notice of United States Postal Service of Type 2 Rate Adjustment, and Notice of Filing Functionally Equivalent Agreement with China Post Group, March 14, 2014 (collectively, Notice).

access to such materials, appears at 39 CFR part 3007. The Commission appoints Pamela A. Thompson to serve as Public Representative in this docket.

**IV. Ordering Paragraphs**

It is ordered:

1. The Commission establishes Docket No. R2014–7 to consider matters raised by the Notice of United States Postal Service of Type 2 Rate Adjustment, and Notice of Filing Functionally Equivalent Agreement, filed March 14, 2014.

2. Pursuant to 39 U.S.C. 505, Pamela A. Thompson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons in this proceeding are due no later than March 24, 2014.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**

*Secretary.*

[FR Doc. 2014–06235 Filed 3–21–14; 8:45 am]

**BILLING CODE 7710–FW–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 6–K; OMB Control No. 3235–0116, SEC File No. 270–107.

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'') the request for extension of the previously approved collection of information discussed below.

Form 6–K (17 CFR 249.306) is a disclosure document under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) that must be filed by a foreign private issuer to report material information promptly after the occurrence of specified or other important corporate events that are disclosed in the foreign private issuer's home country. The purpose of Form 6–K is to ensure that U.S. investors have access to the same information that foreign investors do when making investment decisions. Form 6–K is a public document and all information provided is mandatory. Form 6–K takes approximately 8.7 hours per response and is filed by approximately 20,812 issuers annually. We estimate 75% of the 8.7 hours per response (6.525 hours) is prepared by the issuer for a total annual reporting burden of 135,798 hours (6.525 hours per response × 20,812 responses). The remaining burden hours are reflected as a cost to the foreign private issuers.

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, 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: March 18, 2014.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06305 Filed 3–21–14; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. IC–30984; File No. 812–14016]**

### HMS Income Fund, Inc., et al.; Notice of Application

March 18, 2014.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice of application for an order under sections 57(a)(4) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by section 57(a)(4) of the Act and rule 17d–1 under the Act.

*Summary of Application:* Applicants request an order to permit business development companies (''BDCs'') to co-invest with one another in portfolio companies.

*Applicants:* HMS Income Fund, Inc. (the ''Company''); HMS Adviser LP (''HMS Adviser'');[1] Main Street Capital Corporation (''MSCC'' and, together with the Company, the ''Investing BDCs''); Main Street Capital Partners, LLC (''Partners''); Main Street Mezzanine Fund, LP (''SBIC Fund I''); Main Street Capital II, LP (''SBIC Fund II'' and, together with SBIC Fund I, the ''SBIC Funds''); MSCII Equity Interests, LLC; Main Street Equity Interests, Inc.; and MSC Adviser I, LLC (''HMS Sub-Adviser'').

*Filing Dates:* The application was filed on March 22, 2012, and amended on July 27, 2012, December 28, 2012, June 18, 2013, October 3, 2013, February 24, 2014 and March 17, 2014.

*Hearing or Notification of Hearing:* An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 14, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F St. NE., Washington, DC 20549–1090. Applicants: the Company and HMS Adviser, 2800 Post Oak Boulevard, Suite 5000, Houston, Texas 77056; MSCC, Partners, the SBIC Funds, MSCII Equity Interests, LLC, Main Street Equity Interests, Inc., and HMS Sub-Adviser, 1300 Post Oak Boulevard, Suite 800, Houston, Texas 77056.

**FOR FURTHER INFORMATION CONTACT:** Mark Zaruba, Senior Counsel, at (202) 551–6878 or Dalia Osman Blass, Assistant Chief Counsel, at (202) 551–6821 (Chief Counsel's Office, Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the

[1] The term ''Adviser'' means HMS Adviser, HMS Sub-Adviser (as defined below), Partners (as defined below), any other investment adviser to an Investing BDC (as defined below), and, with respect to MSCC (as defined below), an internally managed business development company, MSCC.

Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

*Applicants' Representations:*

1. The Company is a closed-end management investment company that has elected to be regulated as a BDC under the Act.[2] The Company's primary investment objective is to generate current income through debt and equity investments. The Company has a five-member board of directors (the ''Company Board''), of which a majority are not ''interested persons'' of the Company as defined in section 2(a)(19) of the Act (for any board of directors, the ''Independent Directors'').

2. HMS Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') and serves as the Company's investment adviser. All investment decisions made by HMS Adviser require the approval of its investment committee.

3. MSCC is a closed-end management investment company that has elected to be regulated as a BDC under the Act. MSCC is a principal investment firm that provides long-term debt and equity capital to lower middle market companies and debt capital to middle market companies. MSCC has a six-member board of directors (the ''MSCC Board''),[3] of which five members are Independent Directors. MSCC is an internally managed BDC. All of MSCC's and its subsidiaries' personnel (the ''MSCC Employees''), including all investment professionals, are employed by Partners.[4] Partners is a wholly-owned subsidiary of MSCC.

4. Applicants represent that the SBIC Funds were organized as limited partnerships under the laws of the state of Delaware and are each licensed by the Small Business Administration (the ''SBA'') to operate under the Small Business Investment Act of 1958 (the ''SBA Act'') as small business investment companies. Applicants state that the SBIC Funds will not be registered under the Act based on the exclusion from the definition of investment company contained in section 3(c)(7) of the Act. Main Street Mezzanine Management, LLC and Main Street Capital II GP, LLC, each of which is a wholly-owned subsidiary of MSCC, are the general partners of SBIC Fund I and SBIC Fund II, respectively. Partners is the manager and investment adviser of both SBIC Fund I and SBIC Fund II. Applicants represent that each of the SBIC Funds are Wholly-Owned Investment Subsidiaries[5] of MSCC because MSCC directly or indirectly owns 100% of the economic and voting interests in the SBIC Funds.

5. HMS Sub-Adviser is a wholly-owned subsidiary of MSCC. HMS Sub-Adviser is registered as an investment adviser under the Advisers Act. Pursuant to the terms of the investment advisory agreement among the Company, HMS Adviser, MSCC, and HMS Sub-Adviser, HMS Adviser has engaged HMS Sub-Adviser as the Company's sub-adviser.[6] Applicants represent that no employee or representative of MSCC, Partners, or HMS Sub-Adviser serves or will serve on the investment committee of HMS Adviser, and HMS Adviser and its investment committee are in all other respects completely independent of MSCC, Partners, and HMS Sub-Adviser. Applicants represent that neither HMS Sub-Adviser, Partners nor MSCC are otherwise affiliated with the Company or HMS Adviser.

6. Applicants seek an order (''Order'') to permit the Company, on one hand, and MSCC, on the other hand, to participate in the same investment opportunities through a proposed co-investment program where such participation would otherwise be prohibited under section 57 of the Act and the rules under the Act (the ''Co-Investment Program''). For purposes of the application, a ''Co-Investment Transaction'' means any transaction in which the Company (or a Wholly-Owned Investment Subsidiary) participated together with MSCC (or a Wholly-Owned Investment Subsidiary) in reliance on the Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which the Company (or a Wholly-Owned Investment Subsidiary) could not participate together with MSCC (or a Wholly-Owned Investment Subsidiary) without obtaining and relying on the Order.[7]

7. Each Investing BDC may, from time to time, form one or more Wholly-Owned Investment Subsidiaries. A Wholly-Owned Investment Subsidiary of an Investing BDC would be prohibited from investing in a Co-Investment Transaction with the other Investing BDC (or its Wholly-Owned Investment Subsidiaries) because it would be a company controlled by the Investing BDC for purposes of section 57(a)(4) and rule 17d–1. Applicants request that a Wholly-Owned Investment Subsidiary be permitted to participate in Co-Investment Transactions in lieu of an Investing BDC and that the Wholly-Owned Investment Subsidiary's participation in any such transaction be treated, for purposes of the Order, as though the Investing BDC were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Subsidiary would have no purpose other than serving as a holding vehicle for the Investing BDC's investments and, therefore, no conflicts of interest could arise between the Investing BDC and the Wholly-Owned Investment Subsidiary. The Investing BDC Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Subsidiary's participation in a Co-Investment Transaction, and the Investing BDC Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Subsidiary in the Investing BDC's place. If an Investing BDC proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned

[2] Section 2(a)(48) of the Act defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[3] The term ''Investing BDC Board'' means the board of directors of an Investing BDC (i.e., the Company Board or the MSCC Board, as applicable).

[4] The MSCC Employees perform all of the day to day functions and activities of MSCC and its subsidiaries, including HMS Sub-Adviser. As such, the same investment professionals who advise MSCC and its Wholly-Owned Investment Subsidiaries also sub-advise the Company through HMS Sub-Adviser. The MSCC Employees are supervised by the MSCC Board, and when they are acting as investment professionals for HMS Sub-Adviser, they are supervised by HMS Sub-Adviser consistent with the policies and procedures adopted by HMS Sub-Adviser in accordance with the Advisers Act. The MSCC Employees are subject to the policies and procedures of MSCC and HMS Sub-Adviser, including, with respect to MSCC, those required by rule 38a–1 and section 57(h) of the Act and, with respect to HMS Sub-Adviser, those required by rule 206(4)–7 of the Advisers Act.

[5] A ''Wholly-Owned Investment Subsidiary'' is a special purpose subsidiary formed by an Investing BDC (a) whose sole business purpose is to hold one or more investments on behalf of the Investing BDC (or, in the case of certain subsidiaries, maintain a license under the SBA Act and issue debentures guaranteed by the SBA); (b) that is wholly-owned by the Investing BDC (with the Investing BDC at all times, directly or indirectly, holding, beneficially and of record, 100% of the economic and voting interests); (c) with respect to which the Investing BDC Board has the sole authority to make all determinations with respect to the Wholly-Owned Investment Subsidiary's participation under the conditions to the application; and (d) that is an entity that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act.

[6] The agreement does not, however, permit HMS Adviser to delegate its authority to approve investments on behalf of the Company. Therefore, as discussed below, HMS Adviser will ultimately approve all investments made by the Company.

[7] All existing entities that currently intend to rely on the Order have been named as applicants and any existing or future entities that may rely on the Order in the future will comply with the terms and conditions of the application.

Investment Subsidiaries, the Investing BDC Board will also be informed of, and take into consideration, the relative participation of the Investing BDC and the Wholly-Owned Investment Subsidiary.

8. HMS Sub-Adviser and MSCC will generally originate and independently analyze the appropriateness of investments by the Investing BDCs.[8] Applicants expect that almost all investments that are appropriate investments for one Investing BDC will be appropriate for the other Investing BDC, with limited exceptions based on Available Capital,[9] diversification, investment size, borrow and sponsor limitations and other relevant factors.[10] HMS Adviser serves as the Company's investment adviser and administrator, and HMS Sub-Adviser serves as the Company's sub-adviser. In these roles, HMS Adviser is responsible for the overall management of the Company's activities, and HMS Sub-Adviser is responsible for the day-to-day management of the Company's investment portfolio, in each case consistent with their fiduciary duties. Although HMS Sub-Adviser will identify, determine the appropriateness of and recommend investments for the Company, the Sub-Advisory Agreement requires that, prior to any investment by the Company, HMS Sub-Adviser must present to HMS Adviser each investment that HMS Sub-Adviser determines is appropriate for, and seeks to recommend to, the Company, and HMS Adviser has the authority to approve or reject all investments proposed for the Company by HMS Sub-Adviser. Through this authority to approve or reject any investment proposed by HMS Sub-Adviser, HMS Adviser will have ultimate authority with respect to the Company's investments, subject in each case to the oversight of the Company Board.

9. In selecting investments for the Investing BDCs, the Advisers will consider only the investment objective, investment policies, investment position, Available Capital, and other factors relevant to the respective Investing BDC they advise. For each Potential Co-Investment Transaction that HMS Sub-Adviser determines is an appropriate investment for the Company, HMS Sub-Adviser will provide to HMS Adviser, in advance, information about such transaction, and will propose an allocation for the Company for such transaction. HMS Adviser will then evaluate whether the Potential Co-Investment Transaction fits within the Company's Objectives and Strategies, is appropriate from a size and risk standpoint based on the Company's Available Capital, is appropriately structured for co-investment by the Company and has undergone sufficient due diligence to justify approval by HMS Adviser. If HMS Adviser independently determines that the Potential Co-Investment as proposed by HMS Sub-Adviser (including the proposed allocation between the Company and MSCC) is an appropriate investment for the Company, HMS Adviser will present the Potential Co-Investment Transaction to the Eligible Directors of the Company Board for their approval.

10. For any Potential Co-Investment Transaction, the applicable Adviser will present the investment opportunity and the proposed allocation to the directors eligible to vote under section 57(o) of the Act (''Eligible Directors'') of each Investing BDC prior to any actual investment by an Investing BDC. A Co-Investment Transaction will be consummated only upon approval by a required majority of the Eligible Directors within the meaning of section 57(o) of the Act (''Required Majority'')[11] of each Investing BDC.

11. With respect to the pro rata dispositions and Follow-On Investments[12] provided in conditions 7 and 8, an Investing BDC may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority of the Investing BDC if, among other things: (i) the proposed participation of each Investing BDC in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Investing BDC Board has approved the Investing BDC's participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Investing BDC. If the Investing BDC Board does not so approve, any such disposition or Follow-On Investment will be submitted to the Investing BDC's Eligible Directors. The Investing BDC Board may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors of the Investing BDC.

*Applicants' Legal Analysis:*

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC (or a company controlled by such BDC) in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, in general, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC, is subject to section 57(a)(4). Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 applies.

2. Rule 17d–1 under the Act prohibits affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Transactions effected as part of the Co-Investment Program would be prohibited by Section 57(a)(4) and Rule 17d–1 without a prior order of the Commission to the extent that each of the Company or MSCC falls within the category of persons described by Section 57(b), as modified by Rule 57b–1 thereunder, vis-à-vis MSCC or the Company, respectively. Section 57(b) applies to any investment adviser to a business development company, including a sub-adviser. Therefore, HMS Sub-Adviser could be deemed to be

[8] While it is currently anticipated that substantially all origination and evaluation of Potential Co-Investment Transactions will be conducted by HMS Sub-Adviser, nothing precludes HMS Adviser from independently identifying and evaluating a Potential Co-Investment Transaction. In such a case, HMS Adviser will follow the same process for approval of Co-Investment Transactions that HMS Sub-Adviser is required to follow under the terms of the application.

[9] ''Available Capital'' refers to the liquid assets not held for permanent investment, including bona fide uncalled capital commitments that can be called by the settlement date of the Co-Investment Transaction, cash, amounts that can currently be drawn down from lines of credit, and marketable securities held for short-term purposes.

[10] Neither the Company nor MSCC will be obligated to invest, or co-invest, when investment opportunities are referred to them.

[11] Applicants state that no Independent Director will have a financial interest in any Co-Investment Transaction or any interest in any related portfolio company, other than through an interest (if any) in the securities of the Investing BDC.

[12] With respect to any security obtained in a Co-Investment Transaction, a ''Follow-On Investment'' is an additional investment in securities of the issuer of the security, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuer.

related to the Company in a manner described by Section 57(b). MSCC controls HMS Sub-Adviser and therefore MSCC (or a Wholly-Owned Investment Subsidiary of MSCC) could be deemed to be related to the Company in a manner described by Section 57(b) and prohibited by Section 57(a)(4) and Rule 17d–1 from participating in the Co-Investment Program with the Company.[13]

4. Applicants state that they expect that increasing the opportunities available to the Investing BDCs with a co-investment structure would generate greater deal flow, broaden the market relationships of the Company and MSCC, and posture them to make the most attractive risk-adjusted investments and optimize performance of their portfolios. Applicants represent that the Co-Investment Program will be implemented only if a Required Majority of each Investing BDC approves it on the basis that it would be advantageous to the Investing BDC.

5. Applicants submit that the Required Majority of an Investing BDC's approval of each Co-Investment Transaction before investment, and other protective conditions set forth in the application, will ensure that each Investing BDC will be treated fairly and reasonably. Applicants state that an Investing BDC's participation in the Co-Investment Transactions will be consistent with the provisions, policies and purposes of the Act and on a basis that is not different from or less advantageous than that of other. Applicants further state that the terms and conditions of the application will ensure that all such transactions are reasonable and fair to each Investing BDC and do not involve overreaching by any person concerned, including the Advisers.

*Applicants' Conditions:*

Applicants agree that any Order granting the requested relief will be subject to the following conditions:

1. Each time an Adviser, other than HMS Adviser, considers a Potential Co-Investment Transaction for an Investing BDC that falls within the other Investing BDC's then-current Objectives and Strategies,[14] the Adviser(s) to an Investing BDC will make an independent determination of the appropriateness of the investment for the Investing BDC in light of the Investing BDC's then-current circumstances. If HMS Adviser refers a Potential Co-Investment Transaction to MSCC, MSCC will make an independent determination of the appropriateness of the investment itself in light of MSCC's then-current circumstances.

2. a. If the Adviser(s) to an Investing BDC deems the Investing BDC's participation in any Potential Co-Investment Transaction to be appropriate for the Investing BDC, the Adviser(s) to the Investing BDC will then determine an appropriate level of investment for the Investing BDC.

b. If the aggregate amount recommended by the Adviser(s) to an Investing BDC to be invested in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other Investing BDC, in the same transaction, exceeds the amount of the investment opportunity, the amount of the investment opportunity will be allocated between the Investing BDCs pro rata based on the ratio of each Investing BDC's Available Capital in the asset class being allocated to the aggregated Available Capital for the asset class being allocated of both Investing BDCs, up to the amount proposed to be invested by each. The Adviser(s) to an Investing BDC will provide the Eligible Directors of the Investing BDC, with information concerning each Investing BDC's Available Capital to assist the Eligible Directors with their review of the Investing BDC's investments for compliance with these allocation procedures.

c. After making the determinations required in conditions 1 and 2(a), the Adviser(s) to an Investing BDC will distribute written information concerning the Potential Co-Investment Transaction, including the amount proposed to be invested by each Investing BDC, to the Eligible Directors of the Investing BDC for their consideration. The Investing BDCs will co-invest with one another only if, prior to participating in the Potential Co-Investment Transaction, a Required Majority of each Investing BDC concludes that:

(i) the terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching in respect of the Investing BDC or its stockholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(a) the interests of the Investing BDC's stockholders; and

(b) the Investing BDC's then-current Objectives and Strategies;

(iii) the investment by the other Investing BDC would not disadvantage the Investing BDC, and the participation of the Investing BDC is not on a basis different from or less advantageous than that of the other Investing BDC; provided, that if one Investing BDC but not the other gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event will not be interpreted to prohibit a Required Majority of the Investing BDC from reaching the conclusions required by this condition 2(c)(iii), if:

(a) the Eligible Directors of the Investing BDC will have the right to ratify the selection of such director or board observer, if any;

(b) the Adviser(s) to an Investing BDC agrees to, and does, provide periodic reports to the Board of the Investing BDC with respect to the actions of the director or the information received by the board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(c) any fees or other compensation that the Investing BDC or any affiliated person thereof, as applicable, receives in connection with the right of the Investing BDCs to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately between the Investing BDCs in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Investing BDC would not benefit the other Investing BDC or any affiliated person of either of them (other than the parties to the Co-Investment Transaction), except (a) to the extent permitted by condition 13; (b) to the extent permitted by section 57(k) of the Act; (c) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction; or (d) in the case of fees or other compensation described in condition 2(c)(iii)(C).

[13] As discussed in the application, applicants do not believe that the Company would be related to MSCC in a manner described by section 57(b) because applicants assert that HMS Sub-Adviser does not control the Company. However, if HMS Sub-Adviser were deemed to control the Company, then the Company would be related to MSCC in a manner described by section 57(b) and, therefore, prohibited by section 57(1)(4) and rule 17d–1 from participating in the Co-Investment Program.

[14] "Objectives and Strategies" means an Investing BDC's investment objectives and strategies, as described in the Investing BDC's registration statement on Form N–2, other filings the Investing BDC has made with the Commission under the Securities Act of 1933, as amended (the "1933 Act"), or under the Securities and Exchange Act of 1934, as amended, and the Investing BDC's reports to shareholders.

3. Each Investing BDC has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The Adviser(s) to an Investing BDC will present to the Board of the Investing BDC, on a quarterly basis, a record of all investments made by the other Investing BDC during the preceding quarter that fell within the Investing BDC's then-current Objectives and Strategies that were not made available to the Investing BDC, and an explanation of why the investment opportunities were not offered to the Investing BDC. All information presented to the Investing BDC Board under this condition will be kept for the life of the Investing BDC and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8, an Investing BDC will not invest in reliance on the Order in any issuer in which the other Investing BDC or any affiliated person of the other Investing BDC is an existing investor.

6. An Investing BDC will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for the Investing BDC as for the other Investing BDC. The grant to one Investing BDC, but not to the other, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. a. If an Investing BDC elects to sell, exchange or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction:

(i) The Adviser(s) to the Investing BDC will notify the other Investing BDC of the proposed disposition at the earliest practical time; and

(ii) The Adviser(s) to the Investing BDC will formulate a recommendation as to participation by the Investing BDC in the disposition.

b. Each Investing BDC will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the other Investing BDC.

c. An Investing BDC may participate in such disposition without obtaining prior approval of a Required Majority of the Investing BDC if: (i) the proposed participation of each Investing BDC in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Investing BDC Board has approved as being in the best interests of the Investing BDC the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Investing BDC Board is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, (i) the Adviser(s) to an Investing BDC will provide the Advisers' written recommendation as to the Investing BDC's participation in such disposition to the Eligible Directors of the Investing BDC and (ii) the Investing BDC will participate in such disposition solely to the extent that a Required Majority of the Investing BDC determines that it is in the Investing BDC's best interests.

d. Each Investing BDC will bear its own expenses in connection with any such disposition.

8. a. If an Investing BDC desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction:

(i) The Adviser(s) to the Investing BDC will notify the other Investing BDC of the proposed Follow-On Investment at the earliest practical time; and

(ii) The Adviser(s) to the Investing BDC will formulate a recommendation as to participation by the Investing BDC in the Follow-On Investment.

b. An Investing BDC may participate in such Follow-On Investment without obtaining prior approval of a Required Majority of the Investing BDC if: (i) the proposed participation of each Investing BDC in such Follow-On Investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; (ii) the Investing BDC Board has approved as being in the best interests of the Investing BDC the ability to participate in such Follow-On Investment on a pro rata basis (as described in greater detail in the application); and (iii) the Investing BDC Board is provided on a quarterly basis with a list of all Follow-On Investments made in accordance with this condition. In all other cases, (i) the Adviser(s) to an Investing BDC will provide the Advisers' written recommendation as to the Investing BDC's participation in such Follow-On Investment to the Eligible Directors of the Investing BDC and (ii) the Investing BDC will participate in such Follow-On Investment solely to the extent that a Required Majority of the Investing BDC determines that it is in the Investing BDC's best interests.

c. If, with respect to any Follow-On Investment: (i) the amount of the Follow-On Investment is not based on the Investing BDCs' outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the aggregate amount recommended by the Adviser(s) to an Investing BDC to be invested by the Investing BDCs in the same Follow-On Investment exceeds the amount of the opportunity; then the amount invested by each such party will be allocated between them pro rata based on the ratio of each Investing BDC's Available Capital for investment in the asset class being allocated to the aggregated Available Capital for investment for the asset class being allocated of both Investing BDCs, up to the amount proposed to be invested by each.

d. The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in the application.

9. The Eligible Directors of each Investing BDC will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by the other Investing BDC that the Investing BDC considered but declined to participate in, so that the Eligible Directors may determine whether all investments made during the preceding quarter, including those investments that the Investing BDC considered but declined to participate in, comply with the conditions of the Order. In addition, the Eligible Directors of each Investing BDC will consider at least annually the continued appropriateness for the Investing BDC of participating in new and existing Co-Investment Transactions. All information presented to the Investing BDC Board under this condition will be kept for the life of the Investing BDC and at least two years thereafter, and will be subject to examination by the Commission and its staff.

10. Each Investing BDC will maintain the records required by section 57(f)(3) of the Act as if each of the investments permitted under these conditions were approved by the Required Majority of the Investing BDC under section 57(f).

11. No Independent Director of an Investing BDC will also be a director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act), of the other Investing BDC.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the 1933 Act) will, to the extent not payable by the Advisers under an Investing BDC's investment advisory agreements, be shared by the Investing BDCs with respect to a Co-Investment Transaction, in proportion to the relative amounts of the securities to be acquired or disposed of, as the case may be.

13. Any transaction fee (including break-up or commitment fees but excluding broker's fees contemplated by section 57(k) of the Act) received in connection with a Co-Investment Transaction will be distributed to the Investing BDCs on a pro rata basis based on the amount they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata between the Investing BDCs based on the amount they invest in the Co-Investment Transaction. No Investing BDC or any affiliated person of the Investing BDC will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Investing BDCs, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C) and (b) in the case of the Advisers, investment advisory fees paid in accordance with the Investing BDC's investment advisory agreements).

14. The Advisers will each maintain written policies and procedures reasonably designed to ensure compliance with the foregoing conditions. These policies and procedures will require, among other things, that HMS Adviser will be notified of all Potential Co-Investment Transactions that fall within the Company's then-current Objectives and Strategies and will be given sufficient information to make its independent determination and recommendations under conditions 1, 2(a), 7 and 8.

For the Commission, by the Division of Investment Management, under delegated authority.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06306 Filed 3–21–14; 8:45 am]

**BILLING CODE 8011–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 33–9562; 34–71742; IA–3799; File No. 4–673]**

### Cybersecurity Roundtable

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of roundtable discussion; request for comment.

**SUMMARY:** The Securities and Exchange Commission will host a cybersecurity roundtable. Roundtable panelists will discuss the cybersecurity landscape and cybersecurity issues faced by exchanges and other key market systems, broker-dealers, investment advisers, transfer agents, and public companies. Panelists also will be invited to discuss industry and public-private sector coordination efforts relating to assessing and responding to cybersecurity issues.

The roundtable discussion will be held in the auditorium of the Securities and Exchange Commission headquarters at 100 F Street NE., Washington, DC on March 26, 2014 from 9:30 a.m. to approximately 3:00 p.m. The public is invited to observe the roundtable discussion. Seating will be available on a first-come, first-serve basis. The roundtable discussion will also be available via webcast on the Commission's Web site at *www.sec.gov*.

**DATES:** The roundtable discussion will take place on March 26, 2014. The Commission will accept comments regarding issues addressed at the roundtable until May 2, 2014.

**ADDRESSES:** Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number 4–673 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number 4–673. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please only use one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*). Comments are also 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Cristie March, Senior Special Counsel, Division of Trading and Markets, at 202–551–5574, David Joire, Senior Counsel, Division of Investment Management, at 202–551–6866, or Jennifer Riegel, Senior Special Counsel, Division of Corporation Finance, at 202–551–3575, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

By the Commission.

Dated: March 19, 2014.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06336 Filed 3–21–14; 8:45 am]

**BILLING CODE 8011–01–P**

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## 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, March 27, 2014 at 10:30 a.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 Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in 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: March 20, 2014.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06523 Filed 3–20–14; 4:15 pm]

**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 cybersecurity roundtable on March 26, 2014 from 9:30 a.m. to 3:00 p.m.

Roundtable panelists will discuss the cybersecurity landscape and cybersecurity issues faced by exchanges and other key market systems, broker-dealers, investment advisers, transfer agents, and public companies. Panelists also will be invited to discuss industry and public-private sector coordination efforts relating to assessing and responding to cybersecurity issues.

The roundtable discussion will be held at SEC headquarters at 100 F Street NE., in Washington, DC. The roundtable will be webcast on the Commission's Web site at *www.sec.gov* and will be archived for later viewing. Seating for the public will be available.

For further information, please contact: The Office of the Secretary at (202) 551–5400.

Dated: March 19, 2014.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06467 Filed 3–20–14; 11:15 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Federal Register Citation of Previous Announcement: [79 FR 15163, March 18, 2014]

**STATUS:** Closed Meeting.

**PLACE:** 100 F Street NE., Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** March 20, 2014 at 2:00 p.m.

**CHANGE IN THE MEETING:** Additional Item.

The following matter will also be considered during the 2:00 p.m. Closed Meeting scheduled for Thursday, March 20: An adjudicatory matter.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions as set forth in 5 U.S.C. 552b(c)(2) and (6) and 17 CFR 200.402(a)(2) and (6), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the item listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

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: March 19, 2014.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06466 Filed 3–20–14; 11:15 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71733; File No. SR–NYSEArca–2014–04]**

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Amend Its Rules by Revising the Order of Priority of Bids and Offers When Executing Orders in Open Outcry

March 18, 2014.

On January 15, 2014, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules by revising the order of priority of bids and offers when executing orders in open outcry. The proposed rule change was published for comment in the **Federal Register** on February 3, 2014.[3] The Commission received nine comment letters from seven commenters.[4]

Section 19(b)(2) of the Act [5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether these proposed rule changes should be disapproved. The 45th day for this filing is March 20, 2014.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the Exchange's proposed rule change.

Accordingly, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act [6] and for the reasons stated above, the Commission designates May 2, 2014, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2014–04).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06303 Filed 3–21–14; 8:45 am]

**BILLING CODE 8011–01–P**

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71425 (January 28, 2014), 79 FR 6258.

[4] *See* Letter from Darren Story, dated January 29, 2014 (''Story Letter''); Letter from Abraham Kohen, AK FE Consultants, dated January 31, 2014 (''Kohen Letter I''); Letter from David Spack, Chief Compliance Officer, Casey Securities, LLC, dated February 3, 2014 (''Casey Letter''); Letter from Abraham Kohen, AK FE Consultants, dated February 4, 2014 (''Kohen Letter II''); Letter from Angel Alvira, dated February 12, 2014 (''Alvira Letter''); Letter from Donald Hart, dated February 12, 2014 (''Hart Letter I''); Letter from Doug Patterson, Chief Compliance Officer, Cutler Group, LP, dated February 13, 2014 (''Cutler Letter''); Letter from Donald Hart, dated February 18, 2014 (''Hart Letter II''); and Letter from Gerald D. O'Connell, Chief Regulatory Officer, Susquehanna International Group, LLP, dated March 14, 2014 (''SIG Letter'').

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2)(A)(ii)(I).

[7] 17 CFR 200.30–3(a)(31).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71736; File No. SR–BATS–2014–007]**

## Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of Certain Funds of the ProShares Trust

March 18, 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 March 13, 2014, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to list and trade shares of certain funds (the ''Fund'' when discussed individually or, collectively, the ''Funds'') of the ProShares Trust (the ''Trust'') under BATS Rule 14.11(i) (''Managed Fund Shares''). The shares of the individual Funds are referred to herein as the ''Shares.''

The text of the proposed rule addition is available at the Exchange's Web site at *http://www.batstrading.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to list and trade the Shares under BATS Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange.[3] The Funds will be actively managed funds that seek to provide exposure (or inverse exposure) to the credit of a segment of the fixed income markets by selecting a broadly diversified, liquid credit derivative portfolio. The Adviser (as defined below) intends to obtain such credit exposure primarily via credit default swaps (''CDS'') that are centrally cleared and index-based.[4] ProFund Advisors LLC, an affiliate of the Adviser, has for over eight years managed mutual funds registered under the Investment Company Act of 1940 (the ''1940 Act'') that use both long and short unleveraged CDS investments as a principal investment strategy.

The Exchange believes that these Funds can benefit investors by providing the ability to hedge against declines, or profit from improvement in, the general credit quality of the North American and European investment grade and high yield debt markets. Short credit exposure can be valuable to investors seeking to protect their bond portfolios, particularly in periods of significant debt market stress or in a credit crisis (via the ''Short'' Funds, set forth below). Long credit exposure can be valuable for investors seeking to isolate improving credit quality as a source of return (via the ''Long'' Funds, set forth below). As investors increasingly seek to diversify, and at times hedge their investments, the Funds will provide access to these valuable tools with the protections of a 1940 Act mutual fund and the liquidity and transparency of the exchange traded fund (''ETF'') structure.

The Funds are also structured to address common concerns regarding counterparty risk and the use of leverage in CDS. To limit counterparty risk (while bolstering liquidity), the Funds will utilize primarily centrally cleared CDS contracts. The Funds may also invest, to a more limited extent, in exchange-traded futures contracts linked to index-based CDS (also known as ''credit index futures''), which are also centrally cleared.[5] In addition, the Funds will seek to obtain only non-leveraged long or short credit exposure, as applicable (*i.e.,* exposure equivalent to Fund assets). In contrast, many market participants utilize CDS to obtain leveraged exposure to credit of between 20x and 100x.

The Shares will be offered by the Trust, which was established as a Delaware statutory trust on May 29, 2002. The Trust is registered with the Commission as an open-end investment company and has filed a registration statement on behalf of the Funds on Form N–1A (''Registration Statement'') with the Commission.[6]

Description of the Shares and the Funds

ProShare Advisors LLC is the investment adviser (''PSA'' or ''Adviser'') to the Funds. JPMorgan Chase Bank, National Association is the administrator, custodian, fund account agent, index receipt agent and transfer agent for the Trust. SEI Investments Distribution Co. (''Distributor'') serves as the distributor for the Trust.

BATS Rule 14.11(i)(7) provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment

[3] The Commission approved BATS Rule 14.11(i) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[4] CDS provide exposure to the credit of one or more debt issuers referred to as ''reference entities.'' These instruments are designed to reflect changes in credit quality, including events of default. CDS are most commonly discussed in terms of buying or selling credit protection with respect to a reference entity. Selling credit protection is equivalent to being ''long'' credit. Buying credit protection is equivalent to being ''short'' credit. Index-based CDS provide credit exposure, through a single trade, to a basket of reference entities. A variety of index-based CDS with different characteristics are currently available in the marketplace with new issuances occurring periodically. Issuances typically vary in terms of underlying reference entities and maturity and, thus, can have significant differences in performance over time.

[5] As a general matter, futures contracts are standardized contracts traded on, or subject to the rules of, an exchange that call for the future delivery of a specified quantity and type of asset at a specified time and place or, alternatively, may call for cash settlement. Credit index futures provide exposure to the credit of a number of reference entities. Unlike CDS, certain credit index futures do not provide protection against events of default.

[6] *See* Registration Statement on Form N–1A for the Trust, dated May 31, 2013 (File Nos. 333–89822 and 811–21114). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement. The Commission has issued an order granting certain exemptive relief to the Company under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') (the ''Exemptive Order''). *See* Investment Company Act Release No. 30562 (June 18, 2013) (File No. 812–14041).

company portfolio.[7] In addition, Rule 14.11(i)(7) further requires that personnel who make decisions on the investment company's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable investment company portfolio. Rule 14.11(i)(7) is similar to BATS Rule 14.11(b)(5)(A)(i), however, Rule 14.11(i)(7) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a registered broker-dealer, but is currently affiliated with a broker-dealer and, in the future may be affiliated with other broker dealers. The Adviser personnel who make decisions regarding the Fund's [sic] portfolio are subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's [sic] portfolio. In the event that (a) the Adviser becomes a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

ProShares CDS North American HY Credit ETF

According to the Registration Statement, the Fund seeks to provide long exposure to credit by investing primarily in a broadly diversified, liquid portfolio of index-based CDS for which the reference entities are North American high yield (*i.e.,* below investment grade or ''junk bond'') debt issuers. The Fund seeks to increase in value when the North American high yield credit market improves (*i.e.,* the likelihood of payment by North American high yield debt issuers increases), while also seeking to limit the impact of a change in the credit quality of any single high yield debt issuer. To achieve its objective, the Fund will invest, under normal circumstances,[8] at least 80% of its net assets in centrally cleared index-based CDS. The Adviser will actively manage the Fund, selecting credit derivatives based on the following primary considerations:

- Diversification—maintaining broadly diversified exposure to the credit of North American high yield debt issuers;
- Liquidity—favoring CDS with greater relative liquidity; and
- Sensitivity to Changes in Credit Quality—generally favoring credit derivatives having greater sensitivity to changes in credit quality.

The Adviser may, at times, also consider other factors such as the relative value of one credit derivative versus another.

The Fund will seek to obtain long credit exposure equivalent to its assets and will not provide leveraged exposure to credit. The Fund will typically have exposure to individual sectors to the same extent as the index-based instruments in which it invests.[9]

The Fund intends to qualify each year as a regulated investment company (a ''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.[10] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M. The Fund will not invest in options or non-U.S. equity securities.

Credit Default Swaps (CDS)

The Fund intends to primarily invest in centrally cleared, index-based CDS. Like exchange-traded futures contracts, centrally cleared swaps are cleared through a central clearinghouse and, as such, the counterparty risk traditionally associated with over-the-counter swaps is eliminated.[11]

The Adviser intends to utilize CDS to sell credit protection, thus obtaining long exposure to North American high yield credit. The Fund's investments in CDS will be consistent with the Fund's investment objective and will not be used to create leverage.

Other Portfolio Holdings

In addition to the instruments described above, the Fund will invest in money market instruments[12] in a manner consistent with its investment objective in order to generate additional return, to help manage cash flows in and out of the Fund, such as in connection with payment of dividends or expenses, to satisfy margin requirements, and to provide collateral or to otherwise back investments in CDS and futures contracts.

The Fund may also invest in credit index futures in a manner consistent with its investment objective to a limited extent to obtain additional long credit exposure to North American high yield debt issuers.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser[13] under the 1940 Act.[14] The

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] The term ''under normal circumstances'' includes, but is not limited to, the absence of adverse market, economic, political, or other conditions, including extreme volatility or trading halts in the CDS markets, the related futures markets, or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot, or labor disruption, or any similar intervening circumstance.

[9] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests in more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[10] 26 U.S.C. 851.

[11] As with exchange-traded futures contracts, holders of centrally cleared swaps do have counterparty risk relative to their Futures Commission Merchant (''FCM''). The Funds will select one or more large, well-capitalized institutions to act as their FCM.

[12] For each of the Funds, the specific money market instruments are Treasury securities and repurchase agreements and, in the future, may include money market fund shares.

[13] In reaching liquidity decisions, the Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[14] The Commission has stated that long-standing Commission guidelines have required open-end

Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include assets subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

ProShares CDS Short North American HY Credit ETF

According to the Registration Statement, the Fund seeks to provide inverse exposure to credit by investing primarily in a broadly diversified, liquid portfolio of index-based CDS for which the reference entities are North American high yield (*i.e.,* below investment grade or ''junk bond'') debt issuers. The Fund seeks to increase in value when the North American high yield credit market declines (*i.e.,* the likelihood of payment by North American high yield debt issuers decreases), while also seeking to limit the impact of a change in the credit quality of any single high yield debt issuer. To achieve its objective, the Fund will invest, under normal circumstances, at least 80% of its net assets in centrally cleared index-based CDS. The Adviser will actively manage the Fund, selecting credit derivatives based on the following primary considerations:

- Diversification—maintaining broadly diversified exposure to the credit of North American high yield debt issuers;
- Liquidity—favoring CDS with greater relative liquidity; and
- Sensitivity to Changes in Credit Quality—generally favoring credit derivatives having greater sensitivity to changes in credit quality.

The Adviser may, at times, also consider other factors such as the relative value of one credit derivative versus another.

The Fund will seek to obtain short credit exposure equivalent to its assets and will not provide leveraged exposure to credit. The Fund will typically have exposure to individual sectors to the same extent as the index-based instruments in which it invests.[15]

The Fund intends to qualify each year as a RIC under Subchapter M of the Internal Revenue Code of 1986, as amended.[16] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M. The Fund will not invest in options or non-U.S. equity securities.

Credit Default Swaps

The Fund intends to primarily invest in centrally cleared, index-based CDS. Like exchange-traded futures contracts, centrally cleared swaps are cleared through a central clearinghouse and, as such, the counterparty risk traditionally associated with over-the-counter swaps is eliminated.[17]

The Adviser intends to utilize CDS to buy credit protection, thus obtaining inverse exposure to North American high yield credit. The Fund's investments in CDS will be consistent with the Fund's investment objective and will not be used to create leverage.

Other Portfolio Holdings

In addition to the instruments described above, the Fund will invest in money market instruments in a manner consistent with its investment objective in order to generate additional returns, to help manage cash flows in and out of the Fund, such as in connection with payment of dividends or expenses, to satisfy margin requirements, and to provide collateral or to otherwise back investments in CDS and futures contracts.

The Fund may also invest in credit index futures in a manner consistent with its investment objective to a limited extent to obtain additional inverse credit exposure to North American high yield debt issuers.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser under the 1940 Act. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include assets subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

ProShares CDS North American IG Credit ETF

According to the Registration Statement, the Fund seeks to provide long exposure to credit by investing primarily in a broadly diversified, liquid portfolio of index-based CDS for which the reference entities are North American investment grade debt issuers. The Fund seeks to increase in value when the North American investment grade credit market improves (*i.e.,* the likelihood of payment by North American investment grade debt issuers increases), while also seeking to limit the impact of a change in the credit quality of any single investment grade debt issuer. To achieve its objective, the Fund will invest, under normal circumstances, at least 80% of its net assets in centrally cleared index-based CDS. The Adviser will actively manage the Fund, selecting credit derivatives based on the following primary considerations:

- Diversification—maintaining broadly diversified exposure to the credit of North American investment grade debt issuers;
- Liquidity—favoring CDS with greater relative liquidity; and
- Sensitivity to Changes in Credit Quality—generally favoring credit derivatives having greater sensitivity to changes in credit quality.

The Adviser may, at times, also consider other factors such as the relative value of one credit derivative versus another.

The Fund will seek to obtain long credit exposure equivalent to its assets and will not provide leveraged exposure to credit. The Fund will typically have exposure to individual sectors to the same extent as the index-based instruments in which it invests.[18]

The Fund intends to qualify each year as a RIC under Subchapter M of the Internal Revenue Code of 1986, as

funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[15] *See supra* note 9.

[16] *See supra* note 10.

[17] *See supra* note 11.

[18] *See supra* note 9.

amended.[19] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M. The Fund will not invest in options or non-U.S. equity securities.

Credit Default Swaps

The Fund intends to primarily invest in centrally cleared, index-based CDS. Like exchange-traded futures contracts, centrally cleared swaps are cleared through a central clearinghouse and, as such, the counterparty risk traditionally associated with over-the-counter swaps is eliminated.[20]

The Adviser intends to utilize CDS to sell credit protection, thus obtaining exposure to North American investment grade credit. The Fund's investments in CDS will be consistent with the Fund's investment objective and will not be used to create leverage.

Other Portfolio Holdings

In addition to the instruments described above, the Fund will invest in money market instruments in a manner consistent with its investment objective in order to generate additional return, to help manage cash flows in and out of the Fund, such as in connection with payment of dividends or expenses, to satisfy margin requirements, and to provide collateral or to otherwise back investments in CDS and futures contracts.

The Fund may also invest in credit index futures in a manner consistent with its investment objective to a limited extent to obtain additional long credit exposure to North American investment grade debt issuers.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser under the 1940 Act. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include assets subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

ProShares CDS Short North American IG Credit ETF

According to the Registration Statement, the Fund seeks to provide inverse exposure to credit by investing primarily in a broadly diversified, liquid portfolio of index-based CDS for which the reference entities are North American investment grade debt issuers. The Fund seeks to increase in value when the North American investment grade credit market declines (*i.e.,* the likelihood of payment by North American investment grade debt issuers decreases), while also seeking to limit the impact of a change in the credit quality of any single investment grade debt issuer. To achieve its objective, the Fund will invest, under normal circumstances, at least 80% of its net assets in centrally cleared index-based CDS. The Adviser will actively manage the Fund, selecting credit derivatives based on the following primary considerations:

- Diversification—maintaining broadly diversified exposure to the credit of North American investment grade debt issuers;
- Liquidity—favoring CDS with greater relative liquidity; and
- Sensitivity to Changes in Credit Quality—generally favoring credit derivatives having greater sensitivity to changes in credit quality.

The Adviser may, at times, also consider other factors such as the relative value of one credit derivative versus another.

The Fund will seek to obtain short credit exposure equivalent to its assets and will not provide leveraged exposure to credit. The Fund will typically have exposure to individual sectors to the same extent as the index-based instruments in which it invests.[21]

The Fund intends to qualify each year as a RIC under Subchapter M of the Internal Revenue Code of 1986, as amended.[22] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M. The Fund will not invest in options or non-U.S. equity securities.

Credit Default Swaps

The Fund intends to primarily invest in centrally cleared, index-based CDS. Like exchange-traded futures contracts, centrally cleared swaps are cleared through a central clearinghouse and, as such, the counterparty risk traditionally associated with over-the-counter swaps is eliminated.[23]

The Adviser intends to utilize CDS to buy credit protection, thus obtaining inverse exposure to North American investment grade credit. The Fund's investments in CDS will be consistent with the Fund's investment objective and will not be used to create leverage.

Other Portfolio Holdings

In addition to the instruments described above, the Fund will invest in money market instruments in a manner consistent with its investment objective in order to generate additional return, to help manage cash flows in and out of the Fund, such as in connection with payment of dividends or expenses, to satisfy margin requirements, and to provide collateral or to otherwise back investments in CDS and futures contracts.

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ProShares CDS European HY Credit ETF

According to the Registration Statement, the Fund seeks to provide long exposure to credit by investing primarily in a broadly diversified, liquid portfolio of index-based CDS for which the reference entities are European high-yield (*i.e.,* below investment grade or ''junk bond'') debt issuers. The Fund seeks to increase in value when the European high yield credit market improves (*i.e.,* the likelihood of payment by European high yield debt issuers increases), while also seeking to

[19] *See supra* note 10.

[20] *See supra* note 11.

[21] *See supra* note 9.

[22] *See* supra note 10.

[23] *See supra* note 11.

limit the impact of a change in the credit quality of any single high yield debt issuer. To achieve its objective, the Fund will invest, under normal circumstances, at least 80% of its net assets in centrally cleared index-based CDS. The Adviser will actively manage the Fund, selecting credit derivatives based on the following primary considerations:

- Diversification—maintaining broadly diversified exposure to the credit of European high yield debt issuers;
- Liquidity—favoring CDS with greater relative liquidity; and
- Sensitivity to Changes in Credit Quality—generally favoring credit derivatives having greater sensitivity to changes in credit quality.

The Adviser may, at times, also consider other factors such as the relative value of one credit derivative versus another.

The Fund will seek to obtain long credit exposure equivalent to its assets and will not provide leveraged exposure to credit. The Fund will typically have exposure to individual sectors to the same extent as the index-based instruments in which it invests.[24]

The Fund intends to qualify each year as a RIC under Subchapter M of the Internal Revenue Code of 1986, as amended.[25] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M. The Fund will not invest in options or non-U.S. equity securities.

Credit Default Swaps

The Fund intends to primarily invest in centrally cleared, index-based CDS. Like exchange-traded futures contracts, centrally cleared swaps are cleared through a central clearinghouse and, as such, the counterparty risk traditionally associated with over-the-counter swaps is eliminated.[26] The Adviser intends to utilize CDS to sell credit protection, thus obtaining exposure to European high yield credit. The Fund's investments in CDS will be consistent with the Fund's investment objective and will not be used to create leverage.

Other Portfolio Holdings

In addition to the instruments described above, the Fund will invest in money market instruments in a manner consistent with its investment objective in order to generate additional return, to help manage cash flows in and out of the Fund, such as in connection with payment of dividends or expenses, to satisfy margin requirements, and to provide collateral or to otherwise back investments in CDS and futures contracts.

The Fund may also invest in credit index futures in a manner consistent with its investment objective to a limited extent to obtain additional long credit exposure to European high yield debt issuers.

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ProShares CDS Short European HY Credit ETF

According to the Registration Statement, the Fund seeks to provide inverse exposure to credit by investing primarily in a broadly diversified, liquid portfolio of index-based CDS for which the reference entities are European high yield (*i.e.,* below investment grade or ''junk bond'') debt issuers. The Fund seeks to increase in value when the European high yield credit market declines (*i.e.,* the likelihood of payment by European high yield debt issuers decreases), while also seeking to limit the impact of a change in the credit quality of any single high yield debt issuer. To achieve its objective, the Fund will invest, under normal circumstances, at least 80% of its net assets in centrally cleared index-based CDS. The Adviser will actively manage the Fund, selecting credit derivatives based on the following primary considerations:

- Diversification—maintaining broadly diversified exposure to the credit of European high yield debt issuers;
- Liquidity—favoring CDS with greater relative liquidity; and
- Sensitivity to Changes in Credit Quality—generally favoring credit derivatives having greater sensitivity to changes in credit quality.

The Adviser may, at times, also consider other factors such as the relative value of one credit derivative versus another.

The Fund will seek to obtain short credit exposure equivalent to its assets and will not provide leveraged exposure to credit. The Fund will typically have exposure to individual sectors to the same extent as the index-based instruments in which it invests.[27]

The Fund intends to qualify each year as a RIC under Subchapter M of the Internal Revenue Code of 1986, as amended.[28] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M. The Fund will not invest in options or non-U.S. equity securities.

Credit Default Swaps

The Fund intends to primarily invest in centrally cleared, index-based CDS. Like exchange-traded futures contracts, centrally cleared swaps are cleared through a central clearinghouse and, as such, the counterparty risk traditionally associated with over-the-counter swaps is eliminated.[29]

The Adviser intends to utilize CDS to buy credit protection, thus obtaining inverse exposure to European high yield credit. The Fund's investments in CDS will be consistent with the Fund's investment objective and will not be used to create leverage.

Other Portfolio Holdings

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[24] *See supra* note 9.

[25] *See supra* note 10.

[26] *See supra* note 11.

[27] *See supra* note 9.

[28] *See supra* note 10.

[29] *See supra* note 11.

Adviser under the 1940 Act. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include assets subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

ProShares CDS European IG Credit ETF

According to the Registration Statement, the Fund seeks to provide long exposure to credit by investing primarily in a broadly diversified, liquid portfolio of index-based CDS for which the reference entities are European investment grade debt issuers. The Fund seeks to increase in value when the European investment grade credit market improves (*i.e.,* the likelihood of payment by European investment grade debt issuers increases), while also seeking to limit the impact of a change in the credit quality of any single investment grade debt issuer. To achieve its objective, the Fund will invest, under normal circumstances, at least 80% of its net assets in centrally cleared index-based CDS. The Adviser will actively manage the Fund, selecting credit derivatives based on the following primary considerations:

- Diversification—maintaining broadly diversified exposure to the credit of European investment grade debt issuers;
- Liquidity—favoring CDS with greater relative liquidity; and
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The Adviser may, at times, also consider other factors such as the relative value of one credit derivative versus another.

The Fund will seek to obtain long credit exposure equivalent to its assets and will not provide leveraged exposure to credit. The Fund will typically have exposure to individual sectors to the same extent as the index-based instruments in which it invests.[30]

The Fund intends to qualify each year as a RIC under Subchapter M of the Internal Revenue Code of 1986, as amended.[31] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M. The Fund will not invest in options or non-U.S. equity securities.

Credit Default Swaps

The Fund intends to primarily invest in centrally cleared, index-based CDS. Like exchange-traded futures contracts, centrally cleared swaps are cleared through a central clearinghouse and, as such, the counterparty risk traditionally associated with over-the-counter swaps is eliminated.[32]

The Adviser intends to utilize CDS to sell credit protection, thus obtaining long exposure to European investment grade credit. The Fund's investments in CDS will be consistent with the Fund's investment objective and will not be used to create leverage.

Other Portfolio Holdings

In addition to the instruments described above, the Fund will invest in money market instruments in a manner consistent with its investment objective in order to generate additional return, to help manage cash flows in and out of the Fund, such as in connection with payment of dividends or expenses, to satisfy margin requirements, and to provide collateral or to otherwise back investments in CDS and futures contracts.

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ProShares CDS Short European IG Credit ETF

According to the Registration Statement, the Fund seeks to provide inverse exposure to credit by investing primarily in a broadly diversified, liquid portfolio of index-based CDS and for which the reference entities are European investment grade debt issuers. The Fund seeks to increase in value when the European investment grade credit market declines (*i.e.,* the likelihood of payment by European investment grade debt issuers decreases), while also seeking to limit the impact of a change in the credit quality of any single investment grade debt issuer. To achieve its objective, the Fund will invest, under normal circumstances, at least 80% of its net assets in centrally cleared index-based CDS. The Adviser will actively manage the Fund, selecting credit derivatives based on the following primary considerations:

- Diversification—maintaining broadly diversified exposure to the credit of European investment grade debt issuers;
- Liquidity—favoring CDS with greater relative liquidity; and
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The Adviser may, at times, also consider other factors such as the relative value of one credit derivative versus another.

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The Fund intends to qualify each year as a RIC under Subchapter M of the Internal Revenue Code of 1986, as amended.[34] The Fund will invest its assets, and otherwise conduct its operations, in a manner that is intended to satisfy the qualifying income, diversification and distribution requirements necessary to establish and maintain RIC qualification under Subchapter M. The Fund will not invest in options or non-U.S. equity securities.

Credit Default Swaps

The Fund intends to primarily invest in centrally cleared, index-based CDS. Like exchange-traded futures contracts, centrally cleared swaps are cleared through a central clearinghouse and, as such, the counterparty risk traditionally

[30] *See supra* note 9.

[31] *See supra* note 10.

[32] *See supra* note 11.

[33] *See supra* note 9.

[34] *See supra* note 10.

associated with over-the-counter swaps is eliminated.[35]

The Adviser intends to utilize CDS to buy credit protection, thus obtaining inverse exposure to European investment grade credit. The Fund's investments in CDS will be consistent with the Fund's investment objective and will not be used to create leverage.

Other Portfolio Holdings

In addition to the instruments described above, the Fund will invest in money market instruments in a manner consistent with its investment objective in order to generate additional return, to help manage cash flows in and out of the Fund, such as in connection with payment of dividends or expenses, to satisfy margin requirements, and to provide collateral or to otherwise back investments in CDS and futures contracts.

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The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser under the 1940 Act. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include assets subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

Net Asset Value

According to the Registration Statement, the net asset value (''NAV'') of the Shares of the Funds will be calculated by dividing the value of the net assets of such Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of Shares outstanding, rounded to the nearest cent. Expenses and fees, including the management and administration fees, are accrued daily and taken into account for purposes of determining NAV. The NAV of the CDS North American HY Credit ETF, the CDS Short North American HY Credit ETF, the CDS North American IG Credit ETF, and the CDS Short North American IG Credit ETF (together, the ''North American Funds'') are generally determined at 3:00 p.m. Eastern Time each business day when the BATS Exchange is open for trading. The NAV of the CDS European HY Credit ETF, the CDS Short European HY Credit ETF, the CDS European IG Credit ETF, and the CDS Short European IG Credit ETF (together, the ''European Funds'') are generally determined at 11:00 a.m. Eastern Time (or such time as equals 4:00 p.m. London Time) on each business day that the BATS Exchange is open. If the BATS Exchange or market on which the [sic] Fund's investments are primarily traded closes early, the NAV may be calculated prior to its normal calculation time. Creation/redemption transaction order time cutoffs (as further described below) would also be accelerated.

To the extent that the reference entities underlying the CDS and related futures contracts trade in foreign markets on days when a Fund is not open for business, the value of the Fund's assets may vary and shareholders may not be able to purchase or sell Fund Shares and Authorized Participants may not be able to create or redeem Creation Units.

Securities and other assets are generally valued at their market price using information provided by a pricing service or market quotations. Certain short-term securities are valued on the basis of amortized cost. CDS are generally valued on the basis of market prices, generally the midpoint between the bid/ask quotes, obtained from a third-party pricing service as of the time a Fund calculates its NAV. Futures contracts, such as the credit index futures, are generally valued at their last sale price prior to the time at which the NAV per share of a class of shares of a Fund is determined. Of the money market instruments held by the Funds, repurchase agreements are generally valued at cost. U.S government securities are generally priced at a quoted market price from an active market, generally the midpoint between the bid/ask quotes. For U.S. government securities that mature within sixty days, amortized cost may be used to approximate fair value. Money market funds would generally be valued at their current Net Asset Value per share, typically $1.00 per share. Alternatively, fair valuation procedures as described below may be applied if deemed more appropriate. Routine valuation of certain other derivatives is performed using procedures approved by the Board of Trustees.

When the Adviser determines that the price of a security or derivative is not readily available or deems the price unreliable, it may, in good faith, establish a fair value for that security or derivative in accordance with procedures established by and under the general supervision and responsibility of the Trust's Board of Trustees. The use of a fair valuation method may be appropriate if, for example, market quotations do not accurately reflect fair value for an investment, a trading halt closes an exchange or market early, or other events result in an exchange or market delaying its normal close. The Adviser may consider applying appropriate valuation methodologies, which may include discounts of market value of similar freely traded securities, yields to maturity, or any other appropriate method. In determining the appropriate methodology, the Adviser may consider all relevant factors, including, among other things: Fundamental analytical data; the types of securities affected; pricing history of the security; whether dealer quotations are available; liquidity of the market; news or other events; and other factors the Adviser deems relevant.

For more information regarding the valuation of Fund investments in calculating the Fund's NAV, see the Registration Statement.

The Shares

The Funds will issue and redeem Shares on a continuous basis at the NAV per Share only in large blocks of a specified number of Shares or multiples thereof (''Creation Units'') in transactions with authorized participants who have entered into agreements with the Distributor. The Adviser currently anticipates that a Creation Unit will consist of 50,000 Shares, though this number may change from time to time, including prior to listing of the Shares. The exact number of Shares that will constitute a Creation Unit will be disclosed in the Registration Statement. Once created, Shares of the Funds trade on the secondary market in amounts less than a Creation Unit.

Although the Adviser anticipates that purchases and redemptions for Creation Units will generally be executed on an all-cash basis, the consideration for purchase of Creation Units of the Funds may consist of an in-kind deposit of a designated portfolio of securities (including any portion of such assets for which cash may be substituted) (*i.e.,* the ''Deposit Assets''), and the ''Cash Component'' computed as described below. Together, the Deposit Assets and the Cash Component constitute the

[35] *See supra* note 11.

''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Funds. The specific terms surrounding the creation and redemption of shares are at the discretion of the Adviser.

The Deposit Assets and Fund Securities (as defined below), as the case may be, in connection with a purchase or redemption of a Creation Unit, generally will correspond pro rata, to the extent practicable, to the assets held by the Funds.

The Cash Component will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the ''Deposit Amount,'' which will be an amount equal to the market value of the Deposit Assets, and serve to compensate for any differences between the NAV per Creation Unit and the Deposit Amount. The Funds generally offer Creation Units partially or entirely for cash. PSA will make available through the National Securities Clearing Corporation (''NSCC'') on each business day, prior to the opening of business on the Exchange, the list of names and the required number or par value of each Deposit Security [sic] and the amount of the Cash Component to be included in the current Fund Deposit (based on information as of the end of the previous business day) for the Funds.

The identity and number or par value of the Deposit Assets may change pursuant to changes in the composition of the Funds' portfolio as rebalancing adjustments and corporate action events occur from time to time. The composition of the Deposit Assets may also change in response to adjustments to the weighting or composition of the holdings of the Funds.

The Funds reserve the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security [sic] that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the Depository Trust Company (''DTC'') or the clearing process through the NSCC.

Except as noted below, all creation orders must be placed for one or more Creation Units and must be received by the Distributor at a time specified by the Adviser. Currently, such orders must be received in proper form no later than 2:30 p.m. Eastern Time for the North American Funds or 10:30 a.m. Eastern Time (or such time as equals 3:30 p.m. London Time) for the European Funds, in each case on the date such order is placed in order for creation of Creation Units to be effected based on the NAV of Shares of the Funds as next determined on such date after receipt of the order in proper form. The ''Settlement Date'' is generally the third business day after the transmittal date. On days when the Exchange or the bond markets close earlier than normal, the Funds may require orders to create or to redeem Creation Units to be placed earlier in the day.

Fund Deposits must be delivered through either the Continuous Net Settlement facility of the NSCC, the Federal Reserve System (for cash and government securities), through DTC (for corporate and municipal securities), or through a central depository account, such as with Euroclear or DTC, maintained by State Street or a sub-custodian (a ''Central Depository Account''), in any case at the discretion of the Adviser, by an authorized participant. Any portion of a Fund Deposit that may not be delivered through the NSCC, Federal Reserve System or DTC must be delivered through a Central Depository Account.

A standard creation transaction fee may be imposed to offset the transfer and other transaction costs associated with the issuance of Creation Units.

Shares of the Funds may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor and only on a business day. PSA will make available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). The redemption proceeds for a Creation Unit generally will consist of a specified amount of cash less a redemption transaction fee. The Funds generally will redeem Creation Units entirely for cash.

A standard redemption transaction fee may be imposed to offset transfer and other transaction costs that may be incurred by the Fund.

Redemption requests for Creation Units of the Funds must be submitted to the Distributor by or through an authorized participant by a time specified by the Adviser. Currently, such requests must be received no later than 2:30 p.m. Eastern Time on any business day, in order to receive that day's NAV (for the North American Funds) or 10:30 a.m. Eastern Time (or such time as equals 3:30 p.m. London Time) for the European Funds. The authorized participant must transmit the request for redemption in the form required by the Funds to the Distributor in accordance with procedures set forth in the authorized participant agreement.

Additional information regarding the Shares and the Funds, including investment strategies, risks, creation and redemption procedures, fees and expenses, portfolio holdings disclosure policies, distributions, taxes and reports to be distributed to beneficial owners of the Shares can be found in the Registration Statement or on the Web site for the Funds (*www.ProShares.com*), as applicable.

Availability of Information

The Funds' Web sites, which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Funds that may be downloaded. The Web sites will include additional quantitative information updated on a daily basis, including, for the Funds: (1) The prior business day's reported NAV, the closing market price or the midpoint of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask price''),[36] daily trading volume, and a calculation of the premium and discount of the closing market price or Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily closing price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. Daily trading volume information will be available in the financial section of newspapers, through subscription services such as Bloomberg, Thomson Reuters, and International Data Corporation, which can be accessed by authorized participants and other investors, as well as through other electronic services, including major public Web sites. On each business day, before commencement of trading in Shares during Regular Trading Hours[37] on the Exchange, the Funds will disclose on their Web sites the identities and quantities of the portfolio of CDS, futures, and other assets (the ''Disclosed Portfolio'') held by the Funds that will form the basis for the Funds' calculation of NAV at the end of the business day.[38]

[36] The Bid/Ask Price of the Funds will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Funds' NAV. The records relating to Bid/Ask Prices will be retained by the Funds and their service providers.

[37] Regular Trading Hours are 9:30 a.m. to 4:00 p.m. Eastern Time.

[38] Under accounting procedures to be followed by the Funds, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Funds will be able to disclose at the beginning of

The Disclosed Portfolio will include, as applicable, the names (including the credit derivative series or contract), quantity, exposure value (notional value + gains/losses), and market value of CDS, futures, and other assets held by the Funds and the characteristics of such assets. The Web sites and information will be publicly available at no charge.

In addition, for the Funds, an estimated value, defined in BATS Rule 14.11(i)(3)(C) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the individual Fund's portfolio, will be disseminated. Moreover, the Intraday Indicative Value will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Regular Trading Hours.[39] In addition, the quotations of certain of the Funds' holdings may not be updated during U.S. trading hours if such holdings do not trade in the United States or if updated prices cannot be ascertained.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Funds on a daily basis and provide an estimate of that value throughout the trading day.

Intraday price quotations on CDS of the type held by the Funds, as well as repurchase agreements and Treasury instruments, are available from major broker-dealer firms and from third-parties, which may provide prices free with a time delay, or ''live'' with a paid fee. For futures contracts, such intraday information is available directly from the applicable listing exchange. Intraday price information is also available through subscription services, such as Bloomberg and Thomson Reuters, which can be accessed by authorized participants and other investors. Money market fund shares are not generally priced or quoted on an intraday basis.

Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's closing price and trading volume information for the Shares will be generally available daily in the print and online financial press. Quotation and last sale information for the Shares will be available on the facilities of the CTA.

Initial and Continued Listing

The Shares will be subject to BATS Rule 14.11(i), which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Funds must be in compliance with Rule 10A–3[40] under the Act. A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of any of the Funds. The Exchange will halt trading in the Shares under the conditions specified in BATS Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the CDS, futures, and/or the financial instruments composing the Disclosed Portfolio of the Funds; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 14.11(i)(4)(B)(iv), which sets forth circumstances under which Shares of the Funds may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. BATS will allow trading in the Shares from 8:00 a.m. until 5:00 p.m. Eastern Time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in BATS Rule 11.11(a), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01, with the exception of securities that are priced less than $1.00, for which the minimum price variation for order entry is $0.0001.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. The Exchange may obtain information regarding trading in the Shares and the underlying futures via the Intermarket Surveillance Group (''ISG'') from other exchanges who are members or affiliates of the ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement.[41] In addition, the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). The Exchange prohibits the distribution of material non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) BATS Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value is disseminated; (4) the risks involved in trading the Shares during the Pre-Opening[42] and After Hours Trading Sessions[43] when an updated Intraday Indicative Value will not be calculated or publicly

the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[39] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available Intraday Indicative Values published via the Consolidated Tape Association (''CTA'') or other data feeds.

[40] *See* 17 CFR 240.10A–3.

[41] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Funds may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange also notes that all of the futures contracts in the Disclosed Portfolio for the Funds will trade on markets that are a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[42] The Pre-Opening Session is from 8:00 a.m. to 9:30 a.m. Eastern Time.

[43] The After Hours Trading Session is from 4:00 p.m. to 5:00 p.m. Eastern Time.

disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Funds. Members purchasing Shares from the Funds for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act.

In addition, the Information Circular will reference that the Funds are subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Funds and the applicable NAV calculation time for the Shares. The Information Circular will disclose that information about the Shares of the Funds will be publicly available on the Funds' Web site. In addition, the Information Circular will reference that the Trust is subject to various fees and expenses described in the Registration Statement.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [44] in general and Section 6(b)(5) of the Act [45] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in BATS Rule 14.11(i). The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws regarding trading in the Shares and the underlying futures via the ISG from other exchanges who are members or affiliates of the ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement.[46] In addition, the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's TRACE.

According to the Registration Statement, each Fund expects that, under normal circumstances, it will have at least 80% of its assets invested in index-based North American or European CDS. The Funds may also invest, to a limited extent, in credit index futures. In order to limit counterparty risk, bolster liquidity, and increase price transparency, all CDS utilized by the Funds will be centrally cleared and all futures contracts will be exchange-traded. Each Fund will seek to obtain long or short credit exposure equivalent to its assets and will not provide leveraged exposure to credit. The Fund also may invest its net assets in money market instruments in order to help manage cash flows in and out of the Funds.

Additionally, the Funds may individually hold up to an aggregate amount of 15% of their net assets in illiquid assets (calculated at the time of investment). The [sic] Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include assets subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value will be disseminated by one or more major market data vendors at least every 15 seconds during Regular Trading Hours. On each business day, before commencement of trading in Shares during Regular Trading Hours, the [sic] Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Pricing information will be available on the Funds' Web sites including: (1) The prior business day's reported NAV, the Bid/Ask Price of the Fund, and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. Additionally, information regarding market price and trading of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available on the facilities of the CTA. The Web site for the Funds will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Funds will be halted under the conditions specified in BATS Rule 11.18. Trading may also be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Finally, trading in the Shares will be subject to BATS Rule 14.11(i)(4)(B)(iv), which sets forth circumstances under which Shares of the Funds may be halted. In addition, as noted above, investors will have ready access to information regarding the Funds' holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

Intraday price quotations on CDS of the type held by the Funds, as well as repurchase agreements and Treasury instruments are available from major broker-dealer firms. Such intraday price information is also available through subscription services, such as Bloomberg and Thomson Reuters, which can be accessed by authorized participants and other investors. Money market fund shares are not generally priced or quoted on an intraday basis.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of actively-managed

[44] 15 U.S.C. 78f.

[45] 15 U.S.C. 78f(b)(5).

[46] *See* note 41, *supra.*

exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement as well as trade information for certain fixed income instruments as reported to FINRA's TRACE. In addition, as noted above, investors will have ready access to information regarding the [sic] Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

*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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of additional actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

**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–BATS–2014–007 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2014–007. 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–BATS–2014–007 and should be submitted on or before April 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[47]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06304 Filed 3–21–14; 8:45 am]

**BILLING CODE 8011–01–P**

[47] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71731; File No. SR–Phlx–2014–16]**

## Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Provide That Market Maker Complex Orders Cannot Initiate a Complex Order Live Auction

March 18, 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 March 12, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to provide that market maker Complex Orders cannot initiate a Complex Order Live Auction.

The text of the proposed rule change is below; proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Rule 1080. Phlx XL and Phlx XL II

(a)–(p) No change.

*Commentary*

.01–.07 No change.

.08 Complex Orders on Phlx XL.

(a)–(d) No change.

(e) Process for Complex Order Live Auction (''COLA''). Complex Orders on the Complex Order Book (''CBOOK,'' as defined below) may be subject to an automated auction process.

(i) For purposes of paragraph (e):

(A) No change.

(B) (1) A ''COLA-eligible order'' means a Complex Order (a) identified by way of a COOP, or (b) that, upon receipt, improves the cPBBO respecting the specific Complex Order Strategy that is the subject of the Complex Order *and is not for a market maker, as specified in Rule 1080.08(b)(ii).* If the Phlx XL system identifies the existence of a COLA-eligible order following a COOP

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

or by way of receipt during normal trading of a Complex Order that improves the cPBBO, such COLA-eligible order will initiate a COLA, during which Phlx XL participants may bid and offer against the COLA-eligible order pursuant to this rule. COLA-eligible orders will be executed without consideration of any prices that might be available on other exchanges trading the same options contracts.

(2) No change.

(ii)–(ix) No change.

(f)–(i) No change.

* * * * *

## 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 the proposal is to correct the rule text to provide that market maker Complex Orders cannot trigger a COLA. The Exchange's Complex Order System is governed by Rule 1080.08 and provides that COLA-eligible orders will trigger a COLA.[3] The COLA is an automated auction that is intended to seek additional liquidity and price improvement for Complex Orders. Rule 1080.08(e) provides that a COLA-eligible order means a Complex Order identified by way of a COOP, or that, upon receipt, improves the cPBBO respecting the specific Complex Order Strategy that is the subject of the Complex Order.

However, Phlx's system is programmed such that market maker[4] orders do not trigger a COLA, regardless of whether such orders are IOC or DAY orders.[5] Rather than triggering a COLA, market maker Complex Orders are handled pursuant to Rule 1080.08(c)(i), which provides that Complex Orders may be executed against the Complex Order Book or placed on the Complex Order Book.[6] Pursuant to Rule 1080.08(e), market makers can interact with a COLA-eligible order by submitting responsive interest during the COLA. Furthermore, Rule 1080.08(f) governs how Complex Orders are placed on the CBOOK and how they are executed.

The Exchange is amending Rule 1080.08(e)(i)(B)(1) to correct its rule text to state that market maker orders are not ''COLA-eligible'' such that they cannot trigger a COLA. The Exchange believes that it is appropriate for market maker Complex Orders not to trigger a COLA, because it results in a delay, during which markets can change and other orders can trade. The Exchange does not believe that this will disadvantage market makers and may in fact be more consistent with their trading goals and style. Specifically, market makers provide liquidity, making markets and submitting bids/offers/orders based on current market conditions, which can, of course, change rapidly; market makers are therefore concerned about the risks associated with the time delay of an auction more so than the potential benefit of price improvement for any one particular order. Moreover, market makers generally view auctions in terms of participating as responders. The Exchange notes that market makers have not expressed concern or dissatisfaction about their Complex Orders not triggering a COLA.

If the Exchange's system had provided that market maker orders could trigger a COLA, market makers could nevertheless enter their orders as DNA orders[7] to avoid a COLA, but DNA orders are cancelled if not immediately executed. Thus, DNA orders do not provide the opportunity for market makers to send an order that can both execute without delay and result in the remainder posting on the CBOOK.

The Exchange notes that it is common for certain functionality not to be available to all origin types. For example, as noted above, Complex Orders with certain time-in-force instructions are available only to certain origin types; today, market makers cannot enter Good-Til-Cancelled Complex Orders.[8] In addition, other options exchanges have the flexibility in their rules to determine which participants can initiate a complex order auction and these exchanges can make this determination on a class-by-class basis.[9] The Exchange believes that this is functionally equivalent to its proposal, because: (i) Implementation by class (puts versus calls) is merely an operational detail; (ii) the Exchange does not believe that there is any particular reason to differentiate among different classes; and (iii) the Exchange believes that CBOE, as a practical matter, implements this provision across all options and not class-by-class.[10]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the provisions of Section 6 of the Act,[11] in general, and with Section 6(b)(5) of the Act,[12] in particular, which requires that the rules of an exchange be designed to promote just and equitable principles of trade, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Specifically, the Exchange believes that the proposal is designed to promote just and equitable principles of trade, because it affords to market makers an immediate execution over the benefits of an auction. As discussed above, in their role as liquidity providers, market makers generally prefer an immediate execution when entering an order, due to the potential market risk. In the complex orders marketplace, market makers generally respond to auctions rather than enter orders. Accordingly, from their particular perspective, avoiding an auction in the case where they do enter an order is consistent with just and equitable principles of trade because it helps them manage their trading and therefore their risk.

The Exchange does not believe that the proposal is unfairly discriminatory, because, although market makers are

[3] Rule 1080.08(e)(i)(B)(1).

[4] Market makers include SQTs, RSQTs, non-SQT ROTs, specialists and non-Phlx market makers on another exchange. *See* Rules 1014 and 1080.08(b)(ii).

[5] The Exchange began permitting market maker orders to be entered as DAY orders recently. *See* Securities Exchange Act Release No. 63777 (January 26, 2011), 76 FR 5630 (February 1, 2011) (SR–Phlx–2010–157). Previously, they could only be entered as IOC orders and did not trigger a COLA.

[6] Rule 1080.08(c)(iii)(D) provides that paragraph (c) applies to all Complex Order executions, whether executed in a COLA or not.

[7] *See* Rule 1080.08(a)(viii).

[8] *See* Rule 1080.08(b)(ii).

[9] *See* CBOE Rule 6.53C(d)(i)(2), NYSE Arca Rule 6.91(c)(1) and NYSE MKT Rule 980NY(e)(1).

[10] *See e.g.,* Regulatory Circular RG12–088 dated June 29, 2012 at *http://cchwallstreet.com/CBOETools/PlatformViewer.asp?searched=1&selectednode=chp%5F1%5F26&CiRestriction=COA%2Deligible&manual=%2Fcboe%2Fbulletins%2Fcboe%2Dreg%2Dbull%2D2012%2F* and CBOE Regulatory Circular RG13–012 dated January 18, 2013 at *http://cchwallstreet.com/CBOETools/PlatformViewer.asp?searched=1&selectednode=chp%5F1%5F49&CiRestriction=COA%2Deligible&manual=%2Fcboe%2Fbulletins%2Fcboe%2Dreg%2Dbull%2D2013%2F.* These CBOE Regulatory Circulars do not differentiate among option classes respecting CBOE's COA.

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(5).

being treated differently than other participants, the Exchange believes that market makers would themselves not regard this proposal negatively, because they do not necessarily find that a COLA is necessary or helpful. In addition, it is not unfairly discriminatory, because market makers, unlike other participants, generally only respond to auctions and prefer immediate execution, such that treating them differently than other participants is rooted in the way they trade and the way they function, to their benefit, rather than in an effort to exclude them or be unfair to them. Other options exchanges have the ability under their rules not to trigger an auction by participant type, such that the Commission has approved the ability to treat different participants differently respecting complex order auctions.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, the proposal does not impose an intra-market burden on competition, because, even though it would result in market maker orders not triggering a COLA, the ability of market makers to compete amongst each other and with other market participants would not be diminished. Whether or not market makers orders trigger a COLA has no bearing on how they compete with each other in the marketplace; market makers compete based on price and trading strategy as applied to particular market conditions, regardless of auctions. With respect to competition with other market participants, even if their orders do not trigger a COLA, market makers can continue to compete by responding to auctions triggered by other participant types.

Nor will the proposal impose a burden on competition among the options exchanges, because, in addition to the vigorous competition for order flow among the options exchanges, the proposal could result in the same outcome on three other exchanges that have the flexibility to determine which complex orders trigger an auction. To the extent that market makers disagree with the particular approach taken by the Exchange herein, market makers can easily and readily direct complex order flow to 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**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–2014–16 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2014–16. 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–2014–16 and should be submitted on or before April 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06302 Filed 3–21–14; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(a)(ii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–71730; File No. SR–NYSEMKT–2014–19]**

## Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Price List To Specify Pricing Applicable To Executions of Mid-Point Passive Liquidity Orders Against Retail Orders Within the Retail Liquidity Program

March 18, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the

[1] 15 U.S.C. 78s(b)(1).

''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 4, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend its Price List to specify pricing applicable to executions of Mid-Point Passive Liquidity (''MPL'') Orders against Retail Orders within the Retail Liquidity Program. The Exchange proposes to implement the fee change effective March 4, 2014. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Price List to specify pricing applicable to executions of MPL Orders against Retail Orders within the Retail Liquidity Program. The Exchange proposes to implement the fee change effective March 4, 2014.

The Exchange recently introduced a new order type called an MPL Order, which is an undisplayed limit order that automatically executes at the mid-point of the protected best bid or offer (''PBBO'').[4] The Exchange also amended NYSE MKT Rule 107C—Equities to specify that MPL Orders could interact with incoming, contra-side Retail Orders submitted by a Retail Member Organization (''RMO'') in the Retail Liquidity Program.[5]

The Exchange proposes that the pricing for a Retail Order that executes against an MPL Order would be the same as the current pricing for a Retail Order that executes against a Retail Price Improvement Order (''RPI'') submitted by a Retail Liquidity Provider (''RLP'') or non-RLP.[6] Specifically, the Retail Order would receive a credit of $0.0005 per share. The Exchange also proposes that the contra-side MPL Order would be billed according to the standard pricing that would otherwise apply to the MPL Order (*e.g.,* a credit of $0.0016 per share for Exchange-listed securities or $0.0025 per share for UTP securities, not the pricing under the Retail Liquidity Program section of the Price List).

The proposed change is not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that a $0.0005 per share credit for a Retail Order that executes against an MPL Order is reasonable because it is the same rate that currently applies to a Retail Order that executes against an RPI. In this regard, both MPL Orders and RPIs offer the potential for price improvement for a Retail Order. This is further reasonable because it would create an added financial incentive for RMOs to bring additional retail order flow to a public market, which could result in additional price improvement for retail investors.

The Exchange also believes that it is reasonable for an MPL Order that executes against a Retail Order to be billed according to standard pricing that would otherwise apply to the MPL Order (*e.g.,* a credit of $0.0016 per share for Exchange-listed securities or $0.0025 per share for UTP securities, not the pricing under the Retail Liquidity Program section of the Price List). Specifically, an MPL Order would be eligible to execute against Retail Orders, but without being so designated by the submitting member or member organization. Accordingly, the standard MPL Order rate (*e.g.,* a credit of $0.0016 per share for Exchange-listed securities or $0.0025 per share for UTP securities) would otherwise apply to the MPL Order absent its interaction with the Retail Order.

The pricing proposed herein is equitable and, like the Retail Liquidity Program itself, is not designed to permit unfair discrimination, but instead to promote a competitive process around retail executions such that retail investors would receive better prices than they currently do through bilateral internalization arrangements.

The proposed pricing could result in an RPI receiving a rate (*i.e.,* no charge or a fee of $0.0003 per share) that is inferior to the rate received by an MPL Order (*e.g.,* a credit of $0.0016 per share for Exchange-listed securities or $0.0025 per share for UTP securities), even when both execute against a Retail Order. The Exchange believes that this is equitable and not unfairly discriminatory because RPIs would only execute against Retail Orders, whereas MPL Orders could execute against Retail Orders or other marketable interest on the Exchange, including non-retail liquidity.[9] In this

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 71329 (January 16, 2014), 79 FR 3904 (January 23, 2014) (SR–NYSEMKT–2013–84). *See also* NYSE MKT Rule 13—Equities.

[5] *See* NYSE MKT Rule 107C—Equities. Retail Order is defined in NYSE MKT Rule 107C(a)(3)—Equities as an agency order or a riskless principal order that meets the criteria of Financial Industry Regulatory Authority, Inc. (''FINRA'') Rule 5320.03 that originates from a natural person and is submitted to the Exchange by an RMO, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. RMO is defined in NYSE MKT Rule 107C(a)(2)—Equities as a member organization (or a division thereof) that has been approved by the Exchange to submit Retail Orders.

[6] RPI is defined in NYSE MKT Rule 107C(a)(4)—Equities and consists of non-displayed interest in Exchange-traded securities (including, but not limited to, Exchange-listed securities and securities listed on the Nasdaq Stock Market traded pursuant to unlisted trading privileges (''UTP'')) that is priced better than the best protected bid (''PBB'') or best protected offer (''PBO''), as such terms are defined in Regulation NMS Rule 600(b)(57), by at least $0.001 and that is identified as such. RLP is defined in NYSE MKT Rule 107C(a)(1)—Equities as a member organization that is approved by the Exchange to act as such and that is required to submit RPIs in accordance with NYSE MKT Rule 107C—Equities.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] This is also similar to the manner in which the NASDAQ Stock Market, LLC (''NASDAQ'') applies

regard, and as previously recognized by the Securities and Exchange Commission (''Commission''), ''markets generally distinguish between individual retail investors, whose orders are considered desirable by liquidity providers because such retail investors are presumed on average to be less informed about short-term price movements, and professional traders, whose orders are presumed on average to be more informed.'' [10] The Exchange has sought to balance this view in setting the pricing of RPIs compared to MPL Orders, recognizing that the ability to limit interaction only to Retail Orders could be a potential benefit applicable only to RPIs. This is also equitable and not unfairly discriminatory because the use of RPIs by RLPs and non-RLPs is voluntary. Members and member organizations that perceive that the potential advantages of interacting with Retail Orders outweigh the potential costs (*i.e.,* providing price improvement and potential inferior pricing as compared to MPL Orders) may choose to utilize RPIs, but those that do not are free to forgo their use.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,[11] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change would increase competition among execution venues, encourage additional liquidity, and offer the potential for price improvement to retail investors. In this regard, the Exchange believes that the transparency and competitiveness of operating a program such as the Retail Liquidity Program on an exchange market, and the pricing related thereto, would encourage competition and result in better prices for retail investors.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [12] of the Act and subparagraph (f)(2) of Rule 19b–4 [13] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [14] of the Act to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2014–19 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's 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 Section, 100 F Street NE., Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* 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

pricing for its ''Retail Price Improvement Program.'' *See* NASDAQ Rule 7018(g).

[10] *See* Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673, 40679–80 (July 10, 2012) (SR–NYSE–2011–55; SR–NYSEAmex–2011–84). *See also* Concept Release on Equity Market Structure, Securities Exchange Act Release No. 61358 (January 14, 2010), 75 FR 3594 (January 21, 2010) (''Concept Release'') (noting that dark pools and internalizing broker-dealers executed approximately 25.4% of share volume in September 2009). *See also* Mary L. Schapiro, Strengthening Our Equity Market Structure (Speech at the Economic Club of New York, Sept. 7, 2010) (available on the Commission's Web site). In her speech, Chairman Schapiro noted that nearly 30 percent of volume in U.S.-listed equities was executed in venues that do not display their liquidity or make it generally available to the public and the percentage was increasing nearly every month.

[11] 15 U.S.C. 78f(b)(8).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(2).

[14] 15 U.S.C. 78s(b)(2)(B).

should refer to File Number SR–NYSEMKT–2014–19 and should be submitted on or before April 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–06301 Filed 3–21–14; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[File No. 500–1]**

### IVI Communications, Inc., Omnicity Corp., Precision Petroleum Corporation, PSB Group, Inc., Sustainable Power Corp., and Whitehall Jewelers Holdings, Inc. (n/k/a WJ Holdings Liquidating Company); Order of Suspension of Trading

March 20, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of IVI Communications, Inc. because it has not filed any periodic reports since the period ended December 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Omnicity Corp. because it has not filed any periodic reports since the period ended January 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Precision Petroleum Corporation because it has not filed any periodic reports since the period ended June 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of PSB Group, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sustainable Power Corp. because it has not filed any periodic reports since it registered its common stock under Exchange Act Section 12(g) pursuant to a Form 10–12G filed on February 12, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Whitehall Jewelers Holdings, Inc. (n/k/a WJ Holdings Liquidating Company) because it has not filed any periodic reports since the period ended February 2, 2008.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on March 20, 2014, through 11:59 p.m. EDT on April 2, 2014.

By the Commission.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2014–06489 Filed 3–20–14; 4:15 pm]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[File No. 500–1]**

### Order of Suspension of Trading; In the Matter of Network Dealer Services Holding Corp., NextFit, Inc., Rocky Mountain Minerals, Inc., Titan Technologies, Inc., Trudy Corporation, UAGH, Inc., and Uranium 308 Corp.

March 20, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Network Dealer Services Holding Corp. because it has not filed any periodic reports since the period ended September 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of NextFit, Inc. because it has not filed any periodic reports since the period ended September 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Rocky Mountain Minerals, Inc. because it has not filed any periodic reports since the period ended July 31, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Titan Technologies, Inc. because it has not filed any periodic reports since the period ended April 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Trudy Corporation because it has not filed any periodic reports since the period ended December 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of UAGH, Inc. because it has not filed any periodic reports since the period ended March 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Uranium 308 Corp. because it has not filed any periodic reports since the period ended September 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on March 20, 2014, through 11:59 p.m. EDT on April 2, 2014.

By the Commission.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2014–06490 Filed 3–20–14; 4:15 pm]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF STATE

**[Public Notice 8668]**

### 60-Day Notice of Proposed Information Collection: Technology Security/Clearance Plans, Screening Records, and Non-Disclosure Agreements

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

**DATES:** The Department will accept comments from the public up to 60 days from March 24, 2014.

**ADDRESSES:** Comments and questions should be directed to Mr. Robert Hart, Office of Defense Trade Controls Policy, U.S. Department of State, who may be reached via the following methods:

[15] 17 CFR 200.30–3(a)(12).

• *Internet:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to *www.regulations.gov.* You may search for the document by entering ''Public Notice 8668'' in the search bar. If necessary, use the ''narrow by agency'' filter option on the results page.

• *Email: hartrl@state.gov.*

• *Mail:* Mr. Robert Hart, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112.

You must include the information collection title and the OMB control number in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information to Mr. Robert Hart, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112, who may be reached via phone at (202) 663–2918, or via email at *hartrl@state.gov.*

• Title of Information Collection: *Technology Security/Clearance Plans, Screening Records, and Non-Disclosure Agreements Pursuant to 22 CFR 126.18*

• OMB Control Number: *1405–0195.*

• Type of Request: *Extension of Currently Approved Collection.*

• Originating Office: *Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.*

• Form Number: *None.*

• Respondents: *Business and Nonprofit Organizations.*

• Estimated Number of Respondents: *100,000.*

• Estimated Number of Responses: *100,000.*

• Average Hours per Response: *10 hours.*

• Total Estimated Burden: *1,000,000 hours.*

• Frequency: *On Occasion.*

• Obligation to Respond: *Mandatory.*

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

*Abstract of proposed collection:* The export, temporary import, and brokering of defense articles, defense services, and related technical data are licensed by the Directorate of Defense Trade Controls (DDTC) in accordance with the International Traffic in Arms Regulations (''ITAR,'' 22 CFR Parts 120–130) and Section 38 of the Arms Export Control Act (AECA). Those who manufacture or export defense articles, defense services, and related technical data, or the brokering thereof, must register with the Department of State. Persons desiring to engage in export, temporary import, and brokering activities must submit an application or written request to conduct the transaction to the Department to obtain a decision whether it is in the interests of U.S. foreign policy and national security to approve the transaction. Also, registered brokers must submit annual reports regarding all brokering activity that was transacted, and registered manufacturers and exporter must maintain records of defense trade activities for five years.

ITAR § 126.18 eliminates, subject to certain conditions, the requirement for an approval by DDTC of the transfer of unclassified defense articles, which includes technical data, within a foreign business entity, foreign governmental entity, or international organization, that is an approved or otherwise authorized end-user or consignee (including transfers to approved sub-licensees) for those defense articles, including the transfer to dual nationals or third-country nationals who are bona fide regular employees, directly employed by the foreign consignee or end-user. The conditions are that effective procedures must be in place to prevent diversion to any destination, entity, or for purposes other than those authorized by the applicable export license or other authorization. Those conditions can be met by requiring a security clearance approved by the host nation government for its employees, or the end-user or consignee have in place a process to screen all its employees and to have executed a Non-Disclosure Agreement that provides assurances that the employee will not transfer any defense articles to persons or entities unless specifically authorized by the consignee or end-user. ITAR § 126.18 also provides that the technology security/clearance plan, screening records, and Non-Disclosure Agreements will be made available to DDTC or its agents for law enforcement purposes upon request.

*Methodology:* This information collection may be sent to the Directorate of Defense Trade Controls via the following methods: electronically or mail.

Dated: March 10, 2014.

**C. Edward Peartree,**

*Office of Defense Trade Controls Policy, Bureau of Political-Military Affairs, U.S. Department of State.*

[FR Doc. 2014–06398 Filed 3–21–14; 8:45 am]

BILLING CODE 4710–25–P

## DEPARTMENT OF STATE

**[Public Notice 8671]**

### Culturally Significant Objects Imported for Exhibition Determinations: ''Peruvian Gold: Ancient Treasures Unearthed'' Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Peruvian Gold: Ancient Treasures Unearthed,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the National Geographic Society, Washington, DC, from on or about April 10, 2014, until on or about September 2, 2014, the Irving Arts Center, Irving, TX, from on or about October 4, 2014, until on or about December 31, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register.**

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of

State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: March 14, 2014.

**Kelly Keiderling,**

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2014–06419 Filed 3–21–14; 8:45 am]

**BILLING CODE 4710–05–P**

## DEPARTMENT OF STATE

**[Public Notice 8670]**

### Designation and Determination under the Foreign Missions Act

Pursuant to the authority vested in the Secretary of State by the laws of the United States, including the Foreign Missions Act (codified at 22 U.S.C. 4301–4316) (hereinafter ''the Act''), and delegated by the Secretary to me as the Under Secretary of State for Management in Delegation of Authority No. 198, dated September 16, 1992, and consistent with the Taiwan Relations Act (codified at 22 U.S.C. 3301–3316), I hereby determine that the Taipei Economic and Cultural Representative Office in the United States (hereinafter, ''TECRO''), including its real property and personnel, is a ''foreign mission'' within the meaning of section 202(a)(3) of the Act (22 U.S.C. 4302(a)(3)).

TECRO consists of its primary office, located in the District of Columbia, and its subsidiary offices known as Taipei Economic and Cultural Offices, located in Atlanta, Boston, Chicago, Guam, Honolulu, Houston, Kansas City, Los Angeles, Miami, New York, San Francisco, Seattle, and such additional locations as may be agreed upon between the American Institute in Taiwan (hereinafter, ''AIT'') and TECRO.

I further determine that TECRO's primary office in the District of Columbia used for the performance of TECRO's authorized functions, and annexes to such office (including ancillary offices and support facilities), and including the site and any building on such site which is used for such functions, is a ''chancery'' for purposes of 22 U.S.C. 4306.

After due consideration of the benefits, privileges, and immunities provided to AIT, as well as matters related to the protection of the interests of the United States, on the basis of reciprocity between AIT and TECRO, I hereby designate the following as benefits for purposes of the Act:

- For TECRO designated employees, exemption from all taxes and dues imposed by state, county, municipality and territorial authorities in the United States in connection with the ownership or operation of a motor vehicle;
- For qualifying dependents of a TECRO designated employee, exemption from state, county, municipality and territorial sales or other similarly imposed consumption taxes in the United States, except those normally included in the price of goods and services, or charges for specific services rendered; and
- Exemption from state, county, municipal and territorial taxes in the United States (''real estate taxes'')—including, but not limited to, annual property tax, recordation tax, transfer tax, and the functional equivalent of deed registration charges and stamp duties—on the basis of real property's authorized use for the performance of TECRO's authorized functions and for which TECRO would otherwise be liable.

For purposes of this determination, the term ''TECRO designated employees'' means persons duly notified to and accepted by AIT as designated employees of TECRO at its primary office or one of its subsidiary offices, including the heads of such offices. It shall not apply with respect to any person who is a national of, or is permanently resident in, the United States.

I determine that TECRO is required to obtain the exemption of real estate taxes through the Department of State's Office of Foreign Missions (OFM) and that any tax exemption designated as a benefit in this determination shall be provided on such terms and conditions as OFM may approve. The manner in which an exemption from real estate taxes shall be extended by states, counties, municipalities, and territories shall also be subject to such terms and conditions as OFM may approve.

Following are the current terms and conditions governing the provision of exemptions from real estate taxes to TECRO on the basis of a property's authorized use for the performance of TECRO's authorized functions:

- Such property must be:
  - the premises of TECRO's primary office or one of its subsidiary offices, that is owned by TECRO's primary office, one of its subsidiary offices, the head of such an office, a component of such an office, or the authorities on Taiwan;
  - the primary residence of the head of TECRO primary office or one of its subsidiary offices, that is owned by TECRO's primary office, one of its subsidiary offices, the head of such an office, a component of such an office, or the authorities on Taiwan;
  - the primary residence of a member of the staff of TECRO's primary office or one of its subsidiary offices, that is owned by TECRO's primary office, one of its subsidiary offices, a component of such an office, or the authorities on Taiwan;
  - a residence for temporarily lodging representatives or employees of the authorities on Taiwan who visit the United States in connection with the performance of TECRO's authorized functions, that is owned by TECRO's primary office, one of its subsidiary offices, a component of such an office, or the authorities on Taiwan; or
  - owned by TECRO's primary office, one if its subsidiary offices, a component of such an office, or the authorities on Taiwan for the purpose of constructing or renovating facilities that will be used for the performance of TECRO's authorized functions, provided that OFM authorized the acquisition of such property.
- The determination of TECRO's entitlement to an exemption from real estate taxes associated with a property of a type described above, on the basis of the property's authorized use for the performance of TECRO's authorized functions, is committed to the discretion of the Department of State, in consultation with AIT. Such determinations are made by OFM and are communicated by letter to the relevant state, county, municipal or territorial revenue authorities.
- All such letters will be signed by the Director of OFM's Office of Diplomatic Property, Taxes, Services and Benefits (OFM/PTSB), or a successor office.
- Such letters serve as official notice to the relevant state, county, municipality, or territory that the described property, or acquisition or disposition thereof, is or is not entitled to an exemption from real estate taxes on the basis of the property's authorized use for the performance of TECRO's authorized functions.
- States, counties, municipalities, and territories are prohibited from extending to TECRO an exemption from real estate taxes associated with a property on the basis of the property's authorized use for the performance of TECRO's authorized functions, except on the basis of written authorization from OFM.
- Conversely, on the basis of a letter as described above, states, counties, municipalities, and territories are required to extend to TECRO an exemption from real estate taxes to which OFM determines TECRO is entitled. If a state, county, municipality or territory has concerns regarding the

extension of such exemption benefits, then it should raise the matter directly with OFM.

• Unless otherwise determined by OFM, the effective date of OFM's authorization of an exemption from real estate taxes is the date the property deed in question is signed or transferred.

• States, counties, municipalities, and territories may establish additional procedures to ensure the proper extension of such exemption benefits, provided that:

○ such procedures, including the establishment and use of any forms, serve only to facilitate the state, county, municipality, or territory's extension of exemption benefits to TECRO and not as a means to determine the TECRO's entitlement to the exemption benefit associated with a property on the basis of the property's authorized use for the performance of TECRO's authorized functions, which determination is committed to the sole discretion of the Department of State; and

○ the state, county, municipality, or territory obtain written approval from the Director of OFM/PTSB confirming that the proposed procedural requirements do not violate or infringe on any benefits, privileges, or immunities enjoyed by TECRO.

Finally, I further determine that any state or local laws to the contrary are hereby preempted.

The exemption from real estate taxes provided by this designation and determination shall apply to taxes that have been or will be assessed against TECRO's primary office, one of its subsidiary offices, the head of such an office, a component of such an office, or the authorities on Taiwan with respect to property subject to this determination, and shall nullify any existing tax liens with respect to any covered property. This determination shall not require the refund of any taxes previously paid by TECRO's primary office, one of its subsidiary offices, the head of such an office, a component of such an office, or the authorities on Taiwan regarding such property. These actions are not exclusive and are independent of alternative legal grounds that support the tax exemptions afforded herein.

The actions taken in this Designation and Determination are necessary to protect the interests of the United States and to adjust for costs and procedures of obtaining benefits for AIT.

Dated: March 9, 2014.

**Patrick F. Kennedy,**

*Under Secretary for Management.*

[FR Doc. 2014–06416 Filed 3–21–14; 8:45 am]

BILLING CODE 4710–35–P

## DEPARTMENT OF STATE

**[Public Notice 8666]**

### Advisory Committee on International Economic Policy; Notice of Open Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet from 10:00 a.m. to 12:00 p.m., on Monday, April 14, 2014, in Room 1107 of the Harry S. Truman Building at the U.S. Department of State, 2201 C Street NW., Washington, DC. The meeting will be hosted by the Assistant Secretary of State for Economic and Business Affairs, Charles H. Rivkin and Committee Chair Ted Kassinger. The ACIEP serves the U.S. Government in a solely advisory capacity, and provides advice concerning topics in international economic policy. The meeting will examine the ''Post-2015 Development Agenda''. It is expected that a subcommittee report will be provided by the Stakeholder Advisory Board for the U.S. National Contact Point for the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises.

This meeting is open to public participation, though seating is limited. Entry to the building is controlled; to obtain pre-clearance for entry, members of the public planning to attend should provide, by Wednesday, April 9, their name, professional affiliation, valid government-issued ID number (i.e., U.S. Government ID [agency], U.S. military ID [branch], passport [country], or drivers license [state]), date of birth, and citizenship, to Ronelle Jackson by fax (202) 647–5936, email (*JacksonRS@state.gov*), or telephone (202) 647–9204. All persons wishing to attend the meeting must use the 23rd Street entrance of the State Department. Because of escorting requirements, non-Government attendees should plan to arrive 15 minutes before the meeting begins. Requests for reasonable accommodation should be made to Ronelle Jackson before Wednesday, April 9. Requests made after that date will be considered, but might not be possible to fulfill.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

For additional information, contact Gregory Maggio, Office of Economic Policy Analysis and Public Diplomacy, Bureau of Economic and Business Affairs, at (202) 647–2231 or *MaggioGF@state.gov*.

Dated: March 14, 2014.

**Laura Kirkconnell,**

*Director, Office of Economic Policy Analysis and Public Diplomacy, Department of State.*

[FR Doc. 2014–06425 Filed 3–21–14; 8:45 am]

BILLING CODE 4710–07–P

## DEPARTMENT OF STATE

**[Public Notice 8669]**

### U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Electronic Commerce

The Office of the Assistant Legal Adviser for Private International Law, Department of State, gives notice of a public meeting to discuss a Working Paper prepared by the Secretariat of the United Nations Commission on International Trade Law (UNCITRAL). The public meeting will take place on Tuesday, April 22, 2014 from 10 a.m. until 12 p.m. EDT. This is not a meeting of the full Advisory Committee.

The UNCITRAL Secretariat has revised draft provisions on electronic transferable records, which are presented for in the form of a model law to facilitate discussion during the next meeting of UNCITRAL's Working Group IV, which will meet April 28–May 2, 2014. The Working Paper, which is numbered WP.128 and includes WP.128/Add.1, is available at *http://www.uncitral.org/uncitral/en/commission/working_groups/4Electronic_Commerce.html*.

The purpose of the public meeting is to obtain the views of concerned stakeholders on the topics addressed in the Working Paper in advance of the meeting of Working Group IV. Those who cannot attend but wish to comment are welcome to do so by email to Michael Coffee at *coffeems@state.gov*.

*Time And Place:* The meeting will take place from 10 a.m. until 12 p.m. e.d.t. in Room 356, South Building, State Department Annex 4, Washington, DC 20037. Participants should plan to arrive at the Navy Hill gate on the west side of 23rd Street NW., at the intersection of 23rd Street NW., and D Street NW., by 9:30 a.m. for visitor screening. If you are unable to attend the public meeting and would like to

participate from a remote location, teleconferencing will be available.

*Public Participation:* This meeting is open to the public, subject to the capacity of the meeting room. Access to the building is strictly controlled. For pre-clearance purposes, those planning to attend should email *pil@state.gov* providing full name, address, date of birth, citizenship, driver's license or passport number, and email address. This information will greatly facilitate entry into the building. A member of the public needing reasonable accommodation should email *pil@state.gov* not later than April 15, 2014. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please email *pil@state.gov* to obtain the call-in number and other information.

Data from the public is requested pursuant to Pub. L. 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Pub. L. 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities.

The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: March 15, 2014.

**Michael S. Coffee,**

*Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, U.S. Department of State.*

[FR Doc. 2014–06394 Filed 3–21–14; 8:45 am]

**BILLING CODE 7410–08–P**

## DEPARTMENT OF STATE

**[Public Notice 8667]**

### Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 10:00 a.m. on Tuesday, April 29th, 2014, in Coast Guard Headquarters, Room 6i10–01–c, Washington, DC. The primary purpose of the meeting is to prepare for the ninety-third Session of the International Maritime Organization's (IMO) Maritime Safety Committee to be held at the IMO Headquarters, United Kingdom, from May 14–23, 2014.

The agenda items to be considered include:

- Adoption of the agenda; report on credentials
- Decisions of other IMO bodies
- Consideration and adoption of amendments to mandatory instruments
- Measures to enhance maritime security
- Goal-based new ship construction standards
- Passenger ship safety
- Training and Watchkeeping (report of the forty-fourth session of the Sub-Committee)
- Safety of Navigation (report of the fifty-ninth session of the Sub-Committee)
- Dangerous goods, solid cargoes and containers (report of the eighteenth session of the Sub-Committee)
- Ship design and construction (report of the first session of the Sub-Committee)
- Human element, training and watchkeeping (urgent matters emanating from the first session of the Sub-Committee)
- Ship systems and equipment (urgent matters emanating from the first session of the Sub-Committee)
- Technical co-operation activities relating to maritime safety and security
- Capacity-building for the implementation of new measures
- Formal safety assessment, including general cargo ship safety
- Piracy and armed robbery against ships
- Implementation of instruments and related matters
- Relations with other organizations
- Application of the Committee's Guidelines
- Work programme
- Any other business
- Consideration of the report of the Committee on its ninety-third session

Members of the public may attend this meeting up to the seating capacity of the room. Upon request, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. The access number for this teleconference line will be posted online at *http://www.uscg.mil/imo/msc/default.asp* at least 5 working days in advance. For physical access to the meeting, requests for reasonable accommodation, or participation via the teleconference line, all attendees must respond to the meeting coordinator not later than April 18, 2014, seven working days prior to the meeting. The meeting coordinator, LCDR Matthew Frazee, may be contacted by email at *matthew.p.frazee@uscg.mil* or by phone at (202) 372–1376. The meeting coordinator might not be able to accommodate requests made after April 18, 2014. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Coast Guard Headquarters building. The Coast Guard Headquarters building is accessible by public transportation or taxi. Additional information regarding this and other IMO SHC public meetings may be found at: *www.uscg.mil/imo.*

In case of severe weather or other emergency in the Washington, DC area, attendees should check with the Office of Personnel Management at *http://www.opm.gov* or (202) 606–1900 for the operating status of federal agencies. If federal agencies are closed, this meeting will not be rescheduled, but the Shipping Coordinating Committee will publish a separate **Federal Register** notice to announce an electronic docket to receive public comments.

Dated: March 14, 2014.

**Marc Zlomek,**

*Executive Secretary, Shipping Coordinating Committee, Department of State.*

[FR Doc. 2014–06400 Filed 3–21–14; 8:45 am]

**BILLING CODE 4710–09–P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at March 6, 2014, Meeting

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** As part of its regular business meeting held on March 6, 2014, in Harrisburg, Pennsylvania, the Commission took the following actions: (1) Approved or tabled the applications of certain water resources projects; (2) accepted settlements in lieu of penalty from Inflection Energy, LLC and Talisman Energy USA; and (3) took additional actions, as set forth in the Supplementary Information below.

**DATES:** March 6, 2014.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 1306; fax: (717) 238–2436; email: *rcairo@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission Web site at *www.srbc.net.*

**SUPPLEMENTARY INFORMATION:** In addition to the actions taken on projects identified in the summary above and the

listings below, the following items were also presented or acted upon at the business meeting: (1) An informational presentation from Pennsylvania Fish & Boat Commission biologist Josh Tryninewski on efforts to restore migratory fish passage on the lower Susquehanna River; (2) approval of a rulemaking action to revise emergency water use provisions; (3) authorization to execute a memorandum of understanding with the New York State Department of Environmental Conservation regarding coordination of project review; (4) adoption of a final, revised FY–2015 budget; (5) ratification of a settlement agreement pertaining to Federal Energy Regulatory Commission (FERC) licensing of York Haven Hydroelectric project and authorization for Commission Executive Director to execute additional contemplated settlement agreements under FERC licensing procedures; (6) extension of an emergency certificate issued to the Pennsylvania Department of Environmental Protection; and (7) approval/ratification of two grants, one contract, and one agreement.

**Compliance Matters**

The Commission approved settlements in lieu of civil penalty for the following projects:

1. Inflection Energy, LLC., Montoursville Borough Public Water Supply System, Montoursville Borough, Lycoming County, Pa.—$14,500.
2. Talisman Energy USA (Wappasening Creek), Windham Township, Bradford County, Pa.—$2,250.

**Project Applications Approved**

The Commission approved the following project applications:

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Tioga River), Hamilton Township, Tioga County, Pa. Surface water withdrawal of up to 1.500 mgd (peak day).
2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20091201).
3. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Modification to low flow protection requirements and authorization of additional water uses of the surface water withdrawal approval (Docket No. 20110616).
4. Project Sponsor and Facility: Manheim Borough Authority, Manheim Borough, Lancaster County, Pa. Renewal of groundwater withdrawal of up to 0.936 mgd (30-day average) from Well 4 (Docket No. 19830903).
5. Project Sponsor and Facility: Martinsburg Municipal Authority, North Woodbury Township, Blair County, Pa. Groundwater withdrawal of up to 0.288 mgd (30-day average) from Wineland Replacement Well 2.
6. Project Sponsor: Old Dominion Electric Cooperative. Project Facility: Rock Springs Expansion, Rising Sun District, Cecil County, Md. Consumptive water use of up to 7.900 mgd (peak day).
7. Project Sponsor and Facility: Old Dominion Electric Cooperative (Susquehanna River), Fulton Township, Lancaster County, Pa. Surface water withdrawal of up to 8.700 mgd (peak day).
8. Project Sponsor and Facility: Seneca Resources Corporation (Arnot No. 5 Mine Discharge), Bloss Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20090908).
9. Project Sponsor and Facility: SWEPI LP (Susquehanna River), Sheshequin Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.850 mgd (peak day) (Docket No. 20091202).
10. Project Sponsor and Facility: Talisman Energy USA Inc. (Fall Brook—C.O.P. Tioga State Forest), Ward Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20091204).
11. Project Sponsor and Facility: Talisman Energy USA Inc. (Fellows Creek—C.O.P. Tioga State Forest), Ward Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20091205).
12. Project Sponsor and Facility: XTO Energy, Inc. (Little Muncy Creek), Moreland Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.249 mgd (peak day) (Docket No. 20100313).

**Project Applications Tabled**

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: DS Waters of America, Inc., Clay Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 6 (Docket No. 20000203).
2. Project Sponsor and Facility: Jay Township Water Authority, Jay Township, Elk County, Pa. Application for groundwater withdrawal of up to 0.265 mgd (30-day average) from Brynedale Well #1.
3. Project Sponsor and Facility: Newport Borough Water Authority, Oliver Township, Perry County, Pa. Application for groundwater withdrawal of up to 0.162 mgd (30-day average) from Well 1.
4. Project Sponsor: Pennsylvania Department of Environmental Protection—South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.576 mgd (30-day average) from Stoltzfus Well.
5. Project Sponsor: Pennsylvania Department of Environmental Protection—South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.432 mgd (30-day average) from Township Well.
6. Project Sponsor and Facility: Pro-Environmental, LLC (Martins Creek), Lathrop Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).
7. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Susquehanna River), Meshoppen Township, Wyoming County, Pa. Application of surface water withdrawal of up to 2.000 mgd (peak day).

**Authority:** Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 17, 2014.

**Stephanie L. Richardson,**

*Secretary to the Commission.*

[FR Doc. 2014–06322 Filed 3–21–14; 8:45 am]

BILLING CODE 7040–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Office of Commercial Space Transportation; Notice of Availability and Request for Comment on the Draft Environmental Assessment (EA) for the Midland International Air and Space Port, City of Midland, Midland County, Texas

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

**ACTIONS:** Notice of Availability, Notice of Public Comment Period, Notice of Public Meeting, and Request for Comment.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321, et seq.), Council on

Environmental Quality NEPA implementing regulations (40 CFR Parts 1500–1508), and FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures, Change 1,* the FAA is announcing the availability of and requesting comments on the Draft EA for the Midland International Air and Space Port, City of Midland, Midland County, Texas.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Czelusniak, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Suite 325, Washington, DC 20591; telephone (202) 267–5924; email *FAAMidlandEA@icfi.com.*

**SUPPLEMENTARY INFORMATION:** The Draft EA was prepared to analyze the potential environmental impacts of the City of Midland's proposal to operate a commercial space launch site at the Midland International Airport (MAF) in Midland County, Texas and offer the site to XCOR Aerospace, Inc. (XCOR) for the operation of the Lynx horizontal take-off and horizontal landing reusable launch vehicle (RLV) and engine testing. To operate a commercial space launch site, the City of Midland must obtain a commercial space launch site operator license from the FAA. Under the Proposed Action addressed in the EA, the FAA would: (1) Issue a launch site operator license to the City of Midland for the operation of a commercial space launch site at MAF, (2) issue experimental permits and/or launch licenses to XCOR that would allow XCOR to conduct launches of the Lynx RLV from MAF, and (3) provide unconditional approval to modify the existing Airport Layout Plan (ALP) to reflect the designation of a launch site boundary, installation of aboveground propellant storage tanks, and construction of a concrete pad for engine testing. Proposed launch operations would begin in 2014 and continue through 2018. The frequency of launch operations would initially be one launch per week, eventually increasing to two launches per day, five days a week. Fifty-two annual launch operations are proposed in 2014. The total number of annual launch operations would increase each year until 2018 when 520 annual launch operations are proposed.

The Draft EA addresses the potential environmental impacts of implementing the Proposed Action and the No Action Alternative. Under the No Action Alternative, the FAA would not issue a launch site operator license to the City of Midland and thus would not issue experimental permits and/or launch licenses to XCOR for operation of the Lynx RLV at MAF. Also, there would be no need to update the ALP for MAF, and thus there would be no approval of a revised ALP. Existing commercial aviation and military operations would continue at MAF.

The impact categories considered in the Draft EA include air quality; compatible land use; Department of Transportation Act: Section 4(f); fish, wildlife, and plants; floodplains; hazardous materials, pollution prevention, and solid waste; historical, architectural, archaeological, and cultural resources; natural resources and energy supply; noise; socioeconomic impacts, environmental justice, and children's environmental health and safety risks; water quality; and wetlands. The Draft EA also considers the potential cumulative environmental impacts.

The FAA has posted the Draft EA on the FAA Web site at *http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/nepa_docs/review/documents_progress/.*

A paper copy of the Draft EA may be reviewed during regular business hours at the following libraries:

- Midland County Library, 301 West Missouri Avenue, Midland, TX 79701
- Ector County Library, 321 W. 5th Street, Odessa, TX 79761
- Reagan County Library, 300 Courthouse Square, Big Lake, TX 76932

The FAA will hold an open house public meeting to solicit comments from the public concerning the scope and content of the Draft EA.

- April 8, 2014, 5:30 p.m. to 8:30 p.m., The University of Texas of the Permian Basin, Center for Energy & Economic Diversification (CEED), Foyer Room, 1400 N. FM 1788, Midland, TX 79707

The public will be able to speak to project representatives one-on-one and submit written comments or provide oral comments to a stenographer.

**DATES:** The FAA encourages all interested parties to provide comments concerning the scope and content of the Draft EA. To ensure that all comments can be addressed in the Final EA, comments on the draft must be received by the FAA no later than April 21, 2014. Reviewers should organize their comments to be meaningful and inform the FAA of their interests and concerns by quoting or providing specific references to the text of the Draft EA. Matters that could have been raised with specificity during the comment period on the Draft EA may not be considered if they are raised for the first time later in the decision process. This commenting procedure is intended to ensure that substantive comments and concerns are made available to the FAA in a timely manner so that the FAA has an opportunity to address them.

**ADDRESSES:** Please submit comments in writing to Mr. Daniel Czelusniak, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Suite 325, Washington, DC 20591; or by email at *FAAMidlandEA@icfi.com.*

Issued in Washington, DC on: March 18, 2014.

**Daniel Murray,**

*Manager, Space Transportation Development Division.*

[FR Doc. 2014–06360 Filed 3–21–14; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Twenty-Third Meeting: RTCA Special Committee 216, Aeronautical Systems Security (Joint Meeting With EUROCAE WG–72)

**AGENCY:** Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

**ACTION:** Meeting Notice of RTCA Special Committee 216, Aeronautical Systems Security (Joint Meeting with EUROCAE WG–72).

**SUMMARY:** The FAA is issuing this notice to advise the public of the twenty-third meeting of RTCA Special Committee 216, Aeronautical Systems Security (Joint Meeting with EUROCAE WG–72).

**DATES:** The meeting will be held April 8–9, 2014 from 9:00 a.m.–5:00 p.m. but ending at 3:00 p.m. on the last day.

**ADDRESSES:** The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** You may contact the RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site *http://www.rtca.org* for directions.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 216.

This important plenary meeting will start at 9:00 a.m. on the first day and to finish by 5:00 p.m. on the last day.

The main purpose of the meeting is to finalize disposition of any remaining public comments from the FRAC period on revised ED–202/DO–326 and ED–

204/DO–yy4, and to hold a committee vote on whether these two documents are ready for publication.

Eurocae WG–72 will meet simultaneously in Europe and hold their own vote. The two committees intend to communicate via teleconference during the meeting to ensure coordination.

*Logistical information:* Directions and Hotel information for RTCA is located on the Web site—*http://www.rtca.org*—Directions to RTCA.

*RSVP:* Please inform Derek Schatz (*derek.p.schatz@boeing.com*), Dan Johnson (*daniel.p.johnson@honeywell.com*), or Chuck Royalty (*chuck.royalty@boeing.com*) of your intention to attend the meeting. The agenda will include the following:

**April 8**

- Welcome (Committee chairs)
- Introductions, logistics
- Plenary Session:
  - Review/Approval of the Twenty-Second Meeting Summary, RTCA Paper No. 238–13/SC216–047.
  - RTCA PMC Report
  - FAA Status Report
  - Coordination between drafting groups
- Subgroup Breakouts—if needed
  - Review any remaining document comments

**April 9**

- Additional Subgroup Breakouts—if needed
  - Review Any Remaining Document Comments
- Reconvene Plenary for Status
  - Review Schedule
- Review/Approval—Revised DO–326—*Airworthiness Security Process Specification,* RTCA Paper No. 239–13/SC216–048.
- Review/Approval—New Document, *Information Security Guidance for Continuing Airworthiness,* RTCA Paper No. 240–13/SC216–049.
- Adjourn

**Note:** Subgroup 2 may continue to meet separately from this meeting on April 10th in order to continue work on DO–yy3/ED–203. Those interested in this document are encouraged to remain and participate.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 18, 2014.

**Paige Williams,**

*Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.*

[FR Doc. 2014–06359 Filed 3–21–14; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Twenty-First Meeting: RTCA Special Committee 214/EUROCAE WG–78: Standards for Air Traffic Data Communication Services

**AGENCY:** Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

**ACTION:** RTCA Special Committee 214 held jointly with EUROCAE WG–78: Standards for Air Traffic Data Communication Services meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of twenty-first meeting of RTCA Special Committee 214 to be held jointly with EUROCAE WG–78: Standards for Air Traffic Data Communication Services.

**DATES:** The meeting will be held April 8–10, 2014 from 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** The meeting will be held at Airtel-ATN, Royal Marine Hotel (*http://royalmarine.ie/*), Marine Road, Dun Laoghaire, Dublin, Ireland.

**FOR FURTHER INFORMATION CONTACT:** Sophie Bousquet, 202–330–0663, *sbousquet@rtca.org* or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 214/EUROCAE WG–78: Standards for Air Traffic Data Communication Services. The agenda will include the following:

**April 8**

- Welcome, Introductions, & Administrative
- Remarks/Welcome/Introduction/Administrative Remarks
- Approval of the Agenda
- Approval of the Minutes of Plenary 20 and Review Action Item Status
- Coordination Activities
  - ICAO OPLINK
  - ICAO ACP, Status of PM–CPDLC & PM–ADS Technical Provisions
- Working Group/Special committee organization for future work
- Revision A to Baseline 2 Standards—ATC Winds service Report Study familiarization
- Revision A to Baseline 2 Standards—Dynamic-RNP service ConOps familiarization

**April 9**

- Revision A to Baseline 2 Standards—Dynamic-RNP impacts on documents
- Revision A to Baseline 2 Standards—Advance-IM service ConOps familiarization

**April 10**

- Approval of the Final version of Baseline 2 (Initial) documents
- Approval of the Final version of DO–281B/ED–92B Change 1 and DO–224C Change 1
- Status/discussions on ATN VDL2 issues
- Wrap-up and confirm high-level roadmap for Revision A to Baseline 2 standards
- Review need for upcoming meetings and approve dates and locations of Plenary and SG Meetings
- Any Other Business
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 18, 2014.

**Paige L. Williams,**

*Management Analyst, Business Operations Group, ANG–A12, Federal Aviation Administration.*

[FR Doc. 2014–06357 Filed 3–21–14; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2014–0044]**

### Second National Maritime Strategy Symposium: Domestic Shipping Opportunities

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice of solicitation for agenda topics for a public meeting.

**SUMMARY:** The Maritime Administration (MARAD) invites the public and other Marine Transportation System stakeholders to participate in a symposium to help develop a robust National Maritime Strategy. This second symposium will be conducted as part of a meeting of the Secretary of Transportation's maritime Federal advisory committee, the Marine Transportation System National Advisory Council (MTSNAC). The purpose of this second public meeting is to gather ideas for improving the utilization, vitality and competiveness of the Nation's marine transportation system by identifying and addressing domestic maritime opportunities.

**DATES:** The public meeting will be held from 9:00 a.m. to 4:30 p.m., Tuesday, May 6, 2014.

*Key Date:* The deadline to submit domestic maritime proposals and agenda topics for inclusion in the final agenda is 5:00 p.m. Friday April 25, 2014.

See Submitting Proposals and Agenda Topics below for specific directions.

The following are other important anticipated dates and deadlines:

| | |
|---|---|
| Participant Registration opens (For attendance in person or listening-only by phone) | March 25, 2014. |
| Deadline to submit proposals and agenda topics for inclusion in the agenda | April 25, 2014. |
| Agenda to be released on MARAD Web site | April 28, 2014. |
| Deadline to register to attend the public meeting in person or listening-only by phone | May 2, 2014. |
| Call-in and listen-only information distributed to registrants | May 2, 2014. |
| Public Meeting | May 6—9:00 a.m.–4:30 p.m. |

**ADDRESSES:** The public meeting will be held in the U.S. Department of Transportation (DOT) West Atrium, located on the ground floor of 1200 New Jersey Avenue SE., Washington, DC 20590. Overflow seating will be available in adjacent conference rooms.

**FOR FURTHER INFORMATION CONTACT:** Brian Blower, Advisor to the Executive Director, MAR–120, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 366–2765; email: *Brian.Blower@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

The Nation's Marine Transportation System (MTS) is a core component of the United States' economic and national security. While it has proven to be strong and resilient, the MTS faces many challenges to its future success. Among these challenges are aging infrastructure, declining public sector investment, landside congestion, increased environmental sensitivity, a projected 25 percent growth in population over the next 35 years, and general lack of awareness by the public and key policy makers of the importance of the MTS to the Nation's prosperity and security. These factors have a cumulative impact on U.S. deep water and inland ports, domestic cargo shipping (between U.S. ports in coastwise trade, on the Great Lakes and inland rivers and waterways, and between the mainland and non-contiguous U.S. territories), on U.S. shipyards, on off-shore energy development, and on the MTS' ability to meet environmental sustainability requirements. In January, MARAD hosted a multi-day public meeting focused on cargo opportunities and sealift capacity, with an overall objective of increasing the number of U.S.-flag ships operating in international trade. The purpose of the public MARAD/MTSNAC meeting in May is to identify domestic maritime opportunities that can be incorporated into a National Maritime Strategy to guide public and private Marine Transportation activities into the future. The results of this second symposium will be considered along with those from the January 2014 symposium to help shape the National Maritime Strategy being developed by MARAD. The principal focus areas will include the following:

1. All U.S. Ports, which includes the fifty States, District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, Northern Mariana Islands, and any other territory or possession of the United States.
2. Domestic Shipping: All cargoes moving between U.S. ports and off-shore platforms by tugs and barges, ships, and other vessels along the coasts, between contiguous and non-contiguous U.S. ports, on inland rivers, waterways, and the Great Lakes.
3. U.S. Shipyards: Includes all aspects of the industrial base used in the construction, modification, repair, and disposal of cargo-carrying ships, tugs, towboats, and barges for domestic, off-shore, and international U.S. flag trade.

In addition, the following two cross-cutting themes will be addressed in the context of the above three areas:

1. Environmental Compliance and Maritime Energy Use: Compliance with existing and future environmental requirements, and the related topic of vessel energy use for propulsion and in-port electrical power.
2. Labor: All labor issues as they relate to the above three topic areas.

Suggestions from the public for proposals and agenda topics relating to the above domestic maritime topic areas are being solicited by the Maritime Administration for inclusion on the public meeting's agenda and may be submitted to MARAD docket number MARAD–2014–0044. The meeting agenda will be published on the MARAD Web site at a later date, after consideration of responses received in the docket.

## Submitting Proposals and Agenda Topics

1. We have opened a docket at *http://www.regulations.gov* to allow for written submission of issues that you would like to see addressed during the symposium. Please indicate into which one of the three main focus areas (U.S. Ports, Domestic Shipping, U.S. Shipyards) or the two cross-cutting themes (environmental/energy or labor) into which your suggested topic(s) fall. Please provide a brief narrative explaining your proposal or agenda topic so we can fully understand the context and background.
2. You may submit your inputs identified by DOT Docket Number MARAD–2014–0044 by any of the following methods: Web site/Federal eRulemaking portal, fax, mail, or hand delivery. Please use only one of these means for each submission. All submissions must include the agency name and docket number for this matter. Specific instructions follow.
3. For the Web site/Federal eRulemaking portal, go to *http://www.regulations.gov*. Follow the instructions for submitting comments on the electronic docket site. To submit your input, type the docket number (MARAD–2014–0044) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this Docket Number. If your submission is made online via *www.regulations.gov*, please note that inputs submitted to *www.regulations.gov* are not

immediately posted to the site. It may take several business days before your submission will be posted on the electronic docket.

4. For submission by facsimile (FAX), transmit your agenda topic, comment or proposal to (202) 493–2251 and be sure to identify the submission by DOT Docket Number MARAD–2014–0044.

5. Submissions by mail or hand delivery should go to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays. If you submit your inputs 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.

6. If you FAX, mail, or hand deliver your input 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.

7. *Note:* All submissions for this purpose, including any personal information provided, will be posted without change to *http://www.regulations.gov.*

8. For access to the docket to read background documents or inputs received, go to *http://www.regulations.gov* at any time or to Room W12–140 of the Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. To view the docket electronically at *www.regulations.gov*, type the docket number ''MARAD–2014–0044'' in the ''SEARCH'' box and click ''Search.'' Click and Open Docket Folder on the line associated with this rulemaking.

**Anticipated Public Meeting Procedures**

1. Additional coordinating instructions and registration details will be posted on the MARAD Web site *http://www.MARAD.dot.gov* by April 7, 2014.

2. The meeting is intended to collect public views and gather information to consider in developing a National Maritime Strategy. Therefore, the meeting will be conducted in an informal and non-adversarial manner.

3. The Maritime Administrator will preside over the public meeting. It will be conducted in concert with a MTSNAC meeting, which is subject to the Federal Advisory Committee Act (FACA). Senior Department and MARAD officials will also attend this meeting to receive comments from the public. During the meeting, we may ask questions that will clarify statements or gather more information or data to help us understand the issues raised by commenters.

5. The public meeting will be broadcast via live Web streaming by a link from *http://www.MARAD.dot.gov* and a listen-only telephone connection for which participants will need to register. Members of the public will be invited to make comments in person at the venue during a series of breakout sessions, through a call-in number, or by entry in the MARAD docket.

6. A transcript of the public meeting will be made available via our Web site at *http://www.MARAD.dot.gov* and posted to the docket at *www.regulations.gov.* The recorded webcast video will remain available following the meeting via a link from our Web site at *www.MARAD.dot.gov*.

**Privacy Act Statement**

Anyone is able to search all comments entered 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 19476, 04/11/2011) or at *http://www.dot.gov/privacy.html*.

**Authority:** 5 U.S.C. 610; E.O., 13563, 76 FR 3821, Jan. 21 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

* * *

Dated: March 18, 2014.

By Order of the Maritime Administrator.

**Thomas M. Hudson,**

*Secretary, Maritime Administration.*

[FR Doc. 2014–06307 Filed 3–21–14; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Request for Comment

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the information collection and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting public comments on the following information collection was published on June 6, 2013 (**Federal Register**/Vol. 78, No. 109/pp. 34154–34156).

**DATES:** Submit comments to the Office of Management and Budget (OMB) on or before April 23, 2014.

**FOR FURTHER INFORMATION CONTACT:** Alan Block at the National Highway Traffic Safety Administration, Office of Behavioral Safety Research (NTI–131), W46–499, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. Block's phone number is 202–366–6401 and his email address is *alan.block@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* None.

*Type of Request:* New information collection requirement.

*Title:* Implementation of a Youth Traffic Safety Survey.

*Form No.:* NHTSA Form 1199.

*Type of Review:* Regular.

*Respondents:* NHTSA proposes to conduct a survey of young drivers ages 16 through 20 concerning traffic safety issues affecting young people in that age range. The survey would use Web as the primary response mode and mail as a second response mode. Prior to the survey, there will be usability tests of the Web and paper versions of the questionnaires to identify any problems in the interface between survey and respondent. The usability tests will be conducted with a convenience sample of young drivers having varying demographic characteristics. There also will be a pilot test of the survey. The pilot test will be conducted with a sample of young drivers ages 16 through 20 drawn from the driver license database of one State that has agreed to participate in the survey. Full administration of the survey will be conducted with samples of young drivers ages 16 through 20 drawn from the driver license databases of eight States that have agreed to participate in the survey.

*Estimated Number of Respondents:* There will be 27 respondents participating in the usability tests. The pilot test will use a total drawn sample of 6,300. The response rate it will achieve is unknown, but for purposes of burden estimation this project will assume a response rate upper limit of 50%. The estimated total number of respondents is therefore 3,150. For the full administration of the survey, there will be two versions of the questionnaire in order to limit the burden to respondents. Sufficient sample will be drawn to obtain 8,000 completed interviews for each of the eight participating States (4,000 per questionnaire). The estimated total number of respondents is therefore 64,000.

*Estimated Time Per Response:* Average duration per respondent for the usability tests will be two hours. Average duration per respondent for both the pilot test and the full administration of the survey will be 15 minutes.

*Total Estimated Annual Burden Hours:* The total estimated annual burden for the usability tests is 27 subjects × 2 hours = 54 hours. The total estimated annual burden for the pilot test is 6,300 sample × 50% response rate × 15 minutes = 787.5 hours. The total estimated annual burden for the full administration of the survey is 8 States × 8,000 respondents × 15 minutes = 16,000 hours. The total estimated annual burden for all three information collections combined is 16,841.5 hours.

*Frequency of Collection:* Respondents will participate a single time in the usability tests, pilot test, or survey. They will not participate in more than one of these forms of information collection. The usability tests, pilot test, and survey will be conducted a single time.

*Abstract:* Young drivers 16- to 20-years old are especially vulnerable to death and injury on our roadways, with traffic crashes being the leading cause of death for teenagers in America. It is essential that NHTSA be proactive in addressing young driver traffic safety. As a data-driven organization, this means collecting and analyzing quality data to identify the nature of young driver traffic safety problems, to guide development of intervention approaches, and to evaluate the effectiveness of interventions. To that end, NHTSA proposes to conduct a survey of young drivers ages 16 through 20 concerning traffic safety issues affecting young people in that age range. The sample would be drawn from driver license databases of States that choose to participate in the survey. NHTSA would seek participation by eight States, two per Census Region. Contact with prospective respondents would be through the mail. Young drivers would be asked to go to a designated Web site to take the survey. Follow up mailings would include as a second response option a paper version of the questionnaire that respondents could fill out and mail back. NHTSA will administer two different versions of the questionnaire, with each respondent in the participating States receiving one of the two versions. The questionnaires would cover topics such as general driving behavior, driver education and graduated driver licensing, parental oversight of driving, distraction and driving, drinking and driving, substance use and driving, drowsy driving, seat belt use, speeding and racing, crash experience, and traffic violations.

The survey will first undergo developmental work prior to full survey administration. This will include usability tests of the Web and paper questionnaires to identify any problems in the interface between survey and respondent. It will also include a pilot test in a single State. The pilot test will have methodological experiments built in to determine how different conditions will affect response rates. For example, different configurations of monetary incentives offered for survey participation will be tested to assess which produces the highest response rate.

**ADDRESSES:** Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for Department of Transportation, National Highway Traffic Safety Administration, or by email at *oira_submission@omb.eop.gov,* or fax: 202–395–5806.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Transportation, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication of this notice.

**Authority:** 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC on March 19, 2014.

**Jeff Michael,**

*Associate Administrator, Research and Program Development.*

[FR Doc. 2014–06335 Filed 3–21–14; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA–2013–0106; Notice 1]**

### Notice of Receipt of Petition for Decision That Nonconforming 2011 Mitsubishi Outlander Multipurpose Passenger Vehicles Manufactured for Sale in the Mexican Market Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Receipt of petition.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 2011 Mitsubishi Outlander multipurpose passenger vehicles manufactured for sale in the Mexican market 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 are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the same 2011 Mitsubishi Outlander Multipurpose passenger vehicles) and they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is April 23, 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).

*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:** George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

**SUPPLEMENTARY INFORMATION:**

## Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

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**.

Mesa Auto Wholesalers of Chandler, Arizona (Registered Importer 94–018) has petitioned NHTSA to decide whether nonconforming 2011 Mitsubishi Outlander multipurpose passenger vehicles (MPV) manufactured for sale in the Mexican market are eligible for importation into the United States. The vehicles which Mesa Auto Wholesalers believes are substantially similar are 2011 Mitsubishi Outlander MPV that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2011 Mitsubishi Outlander MPV manufactured for sale in the Mexican market to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

Mesa Auto Wholesalers submitted information with its petition intended to demonstrate that non-U.S. certified 2011 Mitsubishi Outlander MPV manufactured for sale in the Mexican market, as originally manufactured, conform to many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that non-U.S. certified 2011 Mitsubishi Outlander Multipurpose Passenger Vehicles manufactured for sale in the Mexican market are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 108 *Lamps, Reflective Devices, and Associated Equipment*, 111 *Rearview Mirrors*, 113 *Hood Latch System*, 114 *Theft Protection*, 116 *Motor Vehicle Brake Fluids*, 118 *Power-Operated Window, Partition, and Roof Panel Systems*, 124 *Accelerator Control Systems*, 126 *Electronic Stability Control Systems*, 135 *Light Vehicle Brake Systems*, 138 *Tire Pressure Monitoring Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 208 *Occupant Crash Protection*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Mounting*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 225 *Child Restraint Anchorages*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials.*

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* replacement of the instrument cluster with the U.S.-model component.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars:* installation of a placard with required tire information printed in the English language.

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), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Issued on: March 18, 2014.

**Jeffrey Giuseppe,**

*Acting Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2014–06370 Filed 3–21–14; 8:45 am]

BILLING CODE 4910–59–P

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA–2013–0109; Notice 1]**

### Notice of Receipt of Petition for Decision That Nonconforming 2006–2007 Ferrari 599 GTB Passenger Cars Manufactured Before September 1, 2007 Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Receipt of petition.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 2006–2007 Ferrari 599 GTB passenger cars manufactured before September 1, 2007 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 are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2006–2007 Ferrari 599 GTB manufactured before September 1, 2007) and they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is April 23, 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).

*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:** George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

**SUPPLEMENTARY INFORMATION:**

## Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

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**.

J.K. Technologies, LLC of Baltimore, Maryland (Registered Importer 90–006) has petitioned NHTSA to decide whether nonconforming 2006–2007 Ferrari 599 GTB passenger cars manufactured before September 1, 2007 are eligible for importation into the United States. The vehicles which J.K. Technologies believes are substantially similar are 2006–2007 Ferrari 599 GTB passenger cars manufactured before September 1, 2007 that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared the non-U.S. certified 2006–2007 Ferrari 599 GTB passenger cars manufactured before September 1, 2007 to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

J.K. Technologies submitted information with its petition intended to demonstrate that non-U.S. certified 2006–2007 Ferrari 599 GTB passenger cars manufactured before September 1, 2007, as originally manufactured, conform to many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that the non-U.S. certified 2006–2007 Ferrari 599 GTB passenger cars manufactured before September 1, 2007 are identical to their U.S. certified counterpart with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect,* 103 *Windshield Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 106 *Brake Hoses,* 113 *Hood Latch System,* 116 *Motor Vehicle Brake Fluids,* 124 *Accelerator Control Systems,* 126 *Electronic Stability Control Systems,* 135 *Light Vehicle Brake Systems,* 139 *New Pneumatic Radial Tires for Light Vehicles,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Mounting,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 225 *Child Restraint Anchorage Systems,* and 302 *Flammability of Interior Materials.*

The petitioner also contends that the non-U.S. certified vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* replacement of the instrument cluster with a U.S.-model component and reprogramming of the vehicle computer.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* replacement of the headlamps, side marker lamps, and tail lamps with U.S.-model components and reprogramming

the vehicle computer to activate necessary systems.

Standard No. 110 *Tire Selection and Rims for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less:* installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* replacement of the passenger side rearview mirror with a U.S.-model component or inscription of the required warning statement on the face of that mirror.

Standard No. 114 *Theft Protection and Rollaway Prevention:* reprogramming the vehicle computer to activate the key warning system.

Standard No. 118 *Power-Operated Window, Partition, and Roof Panel Systems:* reprogramming of the vehicle computer.

Standard No. 207 *Seating Systems:* replacement of seating systems with U.S.-model components to ensure compliance with FMVSS No. 207 as well as the advanced airbag requirements of FMVSS No. 208.

Standard No. 208 *Occupant Crash Protection:* inspection to confirm that labels, seat belts, airbags, sensors, control units, wiring harnesses, knee bolsters, and braces bear part numbers of U.S.-model components. Non-conforming parts will be replaced with U.S.-model components. Reprograming of the vehicle computer to activate the seat belt warning system and to assure compliance with all other applicable requirements of the standard.

Standard No. 209 *Seat Belt Assemblies:* inspection of seat belts and replacement of non-conforming belts with U.S.-model components.

Standard No. 214 *Side Impact Protection:* inspection of side impact airbag systems and replacement of any non-conforming parts with U.S.-model vehicle components.

Standard No. 301 *Fuel System Integrity:* inspection of all vehicles and replacement of any non U.S.-model fuel system components with U.S.-model components as necessary to conform to the vehicles to the requirements of FMVSS No. 301.

Standard No. 401 *Interior Trunk Release:* installation of U.S.-model interior trunk release components.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR Part 565.

Because the subject petition covers nonconforming vehicles that have been manufactured on or after September 1, 2006, compliance with the advanced air bag requirements of FMVSS No. 208 is of significant concern to the agency. NHTSA is therefore particularly interested in comments regarding the ability of a Registered Importer to readily alter the subject vehicles to fully meet the driver and front outboard passenger frontal crash protection and child passenger protection requirements of FMVSS No. 208. The following is a partial listing of the components that may be affected:

a. Driver's frontal air bag module

b. Passenger frontal air bag module

c. Passenger frontal air bag cover

d. Knee air bags

e. Knee bolsters

f. Passenger outboard frontal seat belt system

g. Driver and front outboard seat assemblies including seat tracks and internal seat components

h. Steering wheel components, including the clock spring assembly, the steering column, and all connecting components

i. Instrument panel

j. Instrument panel support structure (i.e. cross beam)

k. Occupant sensing and classification systems, including sensors and processors

l. Restraint control modules

m. Passenger air bag status indicator light system, including related display components and wiring

n. Wiring harnesses between the restraint control module, occupant classification system and restraint system components

o. Control system computer software and firmware

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), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Issued on: March 18, 2014.

**Jeffrey Giuseppe,**

*Acting Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2014–06366 Filed 3–21–14; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

March 19, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before April 23, 2014 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

**Internal Revenue Service (IRS)**

*OMB Number:* 1545–0971.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Estimated Income Tax for Estates and Trusts.

*Form:* 1041–ES.

*Abstract:* Internal Revenue Code section 6654(1) imposes a penalty on trusts, and in certain circumstances, a decedent's estate, for underpayment of estimated tax. Form 1041–ES is used by the fiduciary to make the estimated tax payments. For first-time filers, the form is available in an Over The Counter (OTC) version at IRS offices. For previous filers, the form is sent to them by the IRS with preprinted vouchers in the Optical Character Resolution (OCR) version.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 3,161,236.

*OMB Number:* 1545–1631.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* TD 9249—Escrow Funds and Other Similar Funds (REG–209619–93).

*Abstract:* The final regulations relate to the taxation and reporting of income earned on qualified settlement funds and certain other escrow accounts, trusts, and funds, and other related rules and affect qualified settlement funds, escrow accounts established in connection with sales of property, disputed ownership funds, and the parties to these escrow accounts, trusts, and funds. An election statement is filed for a qualified settlement fund (QSF) that the QSF has elected grantor trust treatment for the QSF and a statement is required from a transferor with respect to the transfer of cash or property to a disputed ownership fund.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 3,720.

*OMB Number:* 1545–1897.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* TD 9145 (Final and Temporary)—Entry of Taxable Fuel; TD 9346—Entry of Taxable Fuel (Final Regulations and Removal of Temporary Regulations).

*Abstract:* The regulation imposes joint and several liabilities on the importer of record for the tax imposed on the entry of taxable fuel into the U.S. and revises definition of ''enterer''.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 281.

*OMB Number:* 1545–2071.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* TE/GE Compliance Check Questionnaires.

*Abstract:* Compliance questionnaires are an invaluable tool for obtaining supplemental information to determine the compliance of specific entities without the burden for the taxpayer or the cost to the IRS of a traditional, full-scale audit. The information collected will be used to improve the quality of data available for monitoring compliance, to correct identified instances of non-compliance and to determine where additional guidance, education or enforcement resources are most needed to prevent future non-compliance.

*Affected Public:* Private Sector: Not-for-profit institutions.

*Estimated Annual Burden Hours:* 37,500.

*OMB Number:* 1545–2182.

*Type of Review:* Revision of a currently approved collection.

*Title:* TD 9494—Affordable Care Act Internal Claims and Appeals and External review Disclosures (REG–125592–10).

*Abstract:* Section 2719 of the Public Health Service Act, incorporated into Code section 9815 by section 1563(f) of the Patient Protection and Affordable Care Act, Public Law 111–148, requires group health plans and issuers of group health insurance coverage, in connection with internal appeals of claims denials, to provide claimants free of charge with any evidence relied upon in deciding the appeal that was not relied on in making the initial denial of the claim. This is a third party disclosure requirement. Individuals appealing a denial of a claim should be able to respond to any new evidence the plan or issuer relies on in the appeal, and this disclosure requirement is essential so that the claimant knows of the new evidence.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Estimated Annual Burden Hours:* 350.

*OMB Number:* 1545–2222.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* VITA/TCE Volunteer Program.

*Form:* 8653, 8654, 13206, 13715, 14204, 14310.

*Abstract:* The Internal Revenue Service offers free assistance with tax return preparation and tax counseling using specially trained volunteers. The Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs assist seniors and individuals with low to moderate incomes, those with disabilities, and those for whom English is a second language.

*Affected Public:* Private Sector: Not for-profit institutions; Individuals or Households.

*Estimated Annual Burden Hours:* 16,097.

**Dawn D. Wolfgang,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2014–06385 Filed 3–21–14; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–NEW]**

## Proposed Information Collection: The Veterans' Outcome Assessment (VOA) (Veteran Survey Interview) Activity: Comment Request

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to obtain an accurate and comprehensive assessment of satisfaction of patients who receive mental health care services and on outcomes for Veterans who seek mental health treatment from VHA. Data will allow the program office to ensure that the target audience is being reached, effective treatments are being offered, and tangible, quantitative results are being measured and tracked for continual program improvement.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before May 23, 2014.

**ADDRESSES:** Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov*. Please refer to ''OMB Control No. 2900–NEW (The Veterans' Outcome Assessment (VOA) (Veteran Survey Interview)'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Audrey Revere at (202) 461–5694.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the

collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* The Veterans' Outcome Assessment (VOA) (Veteran Survey Interview), VA Form 10–211017.

*OMB Control Number:* 2900–NEW.

*Type of Review:* New collection.

*Abstract:* This collection is in response to the requirements set out by The National Defense Authorization Act of Fiscal Year 2013 (NDAA), Public Law 112–239. Section 726 of the NDAA requires VA to ''develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.'' Responding to this requirement, a VA workgroup therefore developed a plan for a brief survey of a representative sample of patients who are new to mental health treatment. Data collected will allow the program office to ensure that the target audience is being reached, effective treatments are being offered, and tangible, quantitative results are being measured and tracked for continual program improvement.

*Affected Public:* Individuals or households.

*Estimated Total Annual Burden:* 2,140 hours.

*Estimated Average Burden per Respondent:* 30 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 4,280.

Dated: March 19, 2014.

By direction of the Secretary.

**Crystal Rennie,**

*VA Clearance Officer, U.S. Department of Veterans Affairs.*

[FR Doc. 2014–06316 Filed 3–21–14; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0606]**

### Proposed Information Collection (Regulation for Submission of Evidence); Comment Request

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to collect or recover cost for medical care or services provided or furnished to veterans with non-service-connected conditions.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before May 23, 2014.

**ADDRESSES:** Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov.* Please refer to ''OMB Control No. 2900–0556'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Audrey Revere at (202) 461–5694.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Regulation for Submission of Evidence—Title 38 CFR 17.101(a)(4).

*OMB Control Number:* 2900–0606.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Under the provisions of 38 CFR 17.101(a)(4), a third party payer that is liable for reimbursing VA for care and services VA provided to veterans with non-service-connected conditions continues to have the option of paying either the billed charges or the amount the health plan demonstrates it would pay to providers other than entities of the United States for the same care or services in the same geographic area. If the amount submitted by the health plan is less than the amount billed, VA will accept the submission as payment, subject to verification at VA's discretion. VA uses the information to determine whether the third-party payer has met the test of properly demonstrating its equivalent private sector provider payment amount for the same care or services VA provided.

*Affected Public:* Business or other for-profit.

*Estimated Total Annual Burden:* 800 hours.

*Estimated Average Burden per Respondent:* 2 hours.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 400.

Dated: March 18, 2014.

By direction of the Secretary.

**Crystal Rennie,**

*Department Clearance Officer, Department of Veterans Affairs.*

[FR Doc. 2014–06223 Filed 3–21–14; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

### Geriatrics and Gerontology Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a meeting of the Geriatrics and Gerontology Advisory Committee will be held on April 15–16, 2014, in Room 530 at the Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC. On April 15, the session will begin at 8:30 a.m. and end at 5 p.m. On April 16, the session will begin at 8 a.m. and end at 12 noon. This meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary of Veterans Affairs and the Under Secretary for Health on all matters pertaining to geriatrics and gerontology. The Committee assesses the capability of VA health care facilities and programs to meet the medical, psychological, and social needs of older Veterans and evaluates VA programs designated as Geriatric Research, Education, and Clinical Centers.

The meeting will feature presentations and discussions on VA's geriatrics and extended care programs, aging research activities, updates on VA

employee staff working in the area of geriatrics (to include training, recruitment and retention approaches), Veterans Health Administration (VHA) strategic planning activities in geriatrics and extended care, recent VHA efforts regarding dementia and program advances in palliative care, and performance and oversight of VA Geriatric Research, Education, and Clinical Centers.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments for review by the Committee to Mrs. Marcia Holt-Delaney, Program Analyst, Geriatrics and Extended Care Services (10P4G), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or via email at *Marcia.Holt-Delaney@va.gov.*

Individuals who wish to attend the meeting should contact Mrs. Holt-Delaney at (202) 461–6769.

Dated: March 19, 2014.

**Rebecca Schiller,**

*Committee Management Officer.*

[FR Doc. 2014–06356 Filed 3–21–14; 8:45 am]

**BILLING CODE 8320–01–P**

# FEDERAL REGISTER

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No. 56 March 24, 2014


Part II

## Nuclear Regulatory Commission

10 CFR Parts 50 and 52

Performance-Based Emergency Core Cooling Systems Cladding Acceptance Criteria; Proposed Rule

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Parts 50 and 52**

**[NRC–2008–0332, NRC–2012–0041, NRC–2012–0042, NRC–2012–0043]**

**RIN 3150–AH42**

## Performance-Based Emergency Core Cooling Systems Cladding Acceptance Criteria

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to revise the acceptance criteria for the emergency core cooling system (ECCS) for light-water nuclear power reactors. The proposed ECCS acceptance criteria are performance-based, and reflect recent research findings that identified new embrittlement mechanisms for fuel rods with zirconium alloy cladding under loss-of-coolant accident (LOCA) conditions. The proposed rule also addresses two petitions for rulemaking (PRMs) by establishing requirements applicable to all fuel types and cladding materials, and requiring the consideration of crud, oxide deposits, and hydrogen content in zirconium-based alloy fuel cladding. Further, the proposed rule contains a provision that would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris for long-term cooling. The NRC is also seeking public comment on three draft regulatory guides that would support the implementation of the proposed rule.

**DATES:** Submit comments on the rule and draft guidance by June 9, 2014. To facilitate NRC review, please distinguish between comments submitted on the proposed rule and comments submitted on the draft guidance. Submit comments on the information collection aspects of this rule by April 23, 2014. Comments received after these dates will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after these dates.

**ADDRESSES:** The methods for accessing information and comment submissions, and submitting comments on the proposed rule are different from the methods for accessing information and comment submissions, and submitting comments on the draft regulatory guides.

### Proposed Rule

You may access information and comment submissions related to this proposed rule by searching on *http://www.regulations.gov* under Docket ID NRC–2008–0332. You may submit comments on the proposed rule by any of the following methods:

- Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0332. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, please contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Email comments to: *Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

### Draft Regulatory Guides

You may access information and comment submissions related to the draft regulatory guides (DGs) by searching on *http://www.regulations.gov* under Docket ID NRC–2012–0041 (DG–1261, ''Conducting Periodic Testing for Breakaway Oxidation Behavior'' (the NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML12284A324)), Docket ID NRC–2012–0042 (DG–1262, ''Testing for Post Quench Ductility'' (ADAMS Accession No. ML12284A325)), and Docket ID NRC–2012–0043 (DG–1263, ''Establishing Analytical Limits for Zirconium-Based Alloy Cladding'' (ADAMS Accession No. ML12284A323)), respectively. You may submit comments on the draft regulatory guides by any of the following methods:

- Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket IDs NRC–2012–0041, NRC–2012–0042, and NRC–2012–0043, respectively. Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

### Information Collections

You may submit comments on the information collections by the methods described in the **SUPPLEMENTARY INFORMATION** section of this document, under the heading, ''Paperwork Reduction Act Statement.''

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Tara Inverso, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1024, email: *Tara.Inverso@nrc.gov;* or Paul M. Clifford, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–4043, email: *Paul.Clifford@nrc.gov.*

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## Executive Summary

### *Purpose of the Regulatory Action*

The proposed rule would adopt performance-based regulatory requirements for determining the acceptability of an ECCS for a nuclear power reactor, including requirements governing the acceptability of the cladding of fuel. (Cladding performance affects the cooling requirements for the ECCS.) The proposed rule would expand the applicability of the rule from uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding to any light-water reactor (LWR), regardless of fuel design or cladding material. The proposed rule would also replace prescriptive requirements with performance-based requirements. Performance-based ECCS requirements would provide more flexibility for applicants and licensees to meet NRC requirements for emergency core cooling systems in a manner that provides reasonable assurance of adequate protection consistent with the requirements of the Atomic Energy Act of 1954, as amended. The requirements of the proposed performance-based rule also address new technical information on fuel cladding integrity and degradation mechanisms.

The proposed rule would also address two PRMs, PRM–50–71 and PRM–50–84. The PRM–50–71 requests that the NRC expand the applicability of the ECCS rule beyond zircaloy and ZIRLO™ cladding materials. The PRM–50–84 requests, among other items, that the NRC require licensees to consider the thermal effects of crud and oxide layers.

Finally, the proposed rule would allow individual nuclear power plant licensees to resolve GSI–191, ''Assessment of Debris Accumulation on PWR [Pressurized Water Reactor] Sump Performance,'' by using a risk-informed approach for evaluating the effects of debris on long-term cooling.

### *Summary of the Significant Changes in the Proposed Rule*

The proposed rule includes several significant changes to the NRC's existing requirements on the ECCS:

- The proposed rule would replace prescriptive analytical requirements with performance-based requirements. To demonstrate compliance with the requirements, ECCS performance would be evaluated using fuel-specific performance objectives and associated analytical limits that take into consideration all known degradation mechanisms and unique features of the particular fuel system, along with an NRC-approved ECCS evaluation model.
- The proposed rule would apply to all fuel designs and cladding materials. The proposed rule would define two principle ECCS performance requirements:
  - Core temperature during and following the LOCA does not exceed the analytical limits for the fuel design used for ensuring acceptable performance.
  - The ECCS provides sufficient coolant so that decay heat will be removed for the extended period of time required by the long-lived radioactivity remaining in the core.

The proposed rule would also include specific performance requirements for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide fuel pellets within cylindrical zirconium-alloy cladding. New performance objectives and analytical limits may be necessary for other fuel designs, as they are developed. These changes address the requests of PRM–50–71.

- The proposed rule would incorporate the results of recent research findings. The current requirement to maintain the calculated total cladding oxidation below 17 percent would be replaced with a requirement to establish analytical limits on peak cladding temperature (PCT) and integral time at temperature (ITT) that correspond to the measured ductile-to-brittle transition for the zirconium-alloy cladding material. The proposed rule would also address a newly identified phenomenon known as breakaway oxidation by requiring that the total accumulated time that the cladding is predicted to remain above a temperature at which the zirconium-alloy has been shown to be susceptible to breakaway oxidation shall not be greater than a limit that corresponds to the measured onset of breakaway oxidation for that cladding. The proposed rule would also add a requirement to periodically measure breakaway oxidation. Additionally, the proposed rule would require licensees to consider the effects of oxygen diffusion from the cladding inside surfaces, if an oxygen source is present on the inside surfaces at the onset of the LOCA.
- The proposed rule would require that licensees evaluate the thermal effects of crud and oxide layers that accumulate on the fuel cladding during plant operation. Crud is defined as any foreign substance deposited on the surface of the fuel cladding prior to initiation of a LOCA. This addition addresses a request of PRM–50–84.
- The proposed rule contains a provision that would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris for long-term cooling. The proposed rule contains acceptance criteria that would apply to the risk-informed approach and its required content. Additionally, the proposed rule would add reporting requirements that pertain to the risk-informed approach.

### *Costs and Benefits*

The proposed rule, by requiring applicants and licensees to address new technical matters not currently required to be addressed by the NRC's existing ECCS requirements, would provide adequate protection to the health and safety of the public by maintaining that level of protection that the NRC previously thought would be achieved by the current rule. The NRC prepared a draft regulatory analysis for this proposed rule (ADAMS Accession No.

ML12283A188) to identify the benefits and costs of the particular regulatory approach for addressing ECCS performance. The NRC notes that adequate protection must be assured without regard to cost, but if there is more than one way of achieving that level of protection, then costs may be considered. The draft regulatory analysis prepared for this rulemaking was used to help the NRC identify the most effective way of achieving reasonable assurance of adequate protection with respect to protection against LOCAs.

The benefits of maintaining reasonable assurance of protection with respect to protection against LOCAs were not quantified. The NRC estimates that the total cost of the proposed rule would be $35 million (7 percent net present value). The benefits of the proposed rule are several. The proposed rule would result in savings by obviating the need for exemption requests to use additional claddings and exemption requests stemming from the risk-informed alternative. As a more general matter, adopting a performance-based approach to demonstrating ECCS adequacy may afford applicants and licensees greater flexibility in complying with the NRC's ECCS requirements. This may result in reduced applicant and licensee costs with no adverse effect on public health and safety.

## I. Accessing Information and Submitting Comments

### *A. Accessing Information*

Please refer to Docket ID NRC–2008–0332, Docket ID NRC–2012–0041, Docket ID NRC–2012–0042, or Docket ID NRC–2012–0043 when contacting the NRC about the availability of information for this proposed rule or draft regulatory guides, respectively. You may access information related to this proposed rulemaking or draft regulatory guides by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0332 for the proposed rule, and Docket ID NRC–2012–0041, Docket ID NRC–2012–0042, or Docket ID NRC–2012–0043 for the draft regulatory guides.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the section of this document entitled, *Availability of Documents.*
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### *B. Submitting Comments*

Please include the appropriate NRC Docket ID in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in that docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submissions. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

## II. Background

### *A. Emergency Core Cooling System: Embrittlement Research Findings*

In SECY–98–300, ''Options for Risk-Informed Revisions to 10 CFR Part 50-'Domestic Licensing of Production and Utilization Facilities,' '' dated December 23, 1998 (ADAMS Accession No. ML992870048), the NRC began to explore approaches to risk-informing its regulations for nuclear power reactors. One alternative (termed ''Option 3'') involved making risk-informed changes to the specific requirements in the body of 10 CFR part 50. As the NRC began to develop its approach to risk-informing these requirements, it sought stakeholder input in public meetings. Two of the regulations identified by industry as potentially benefitting from risk-informed changes were §§ 50.44 and 50.46. Section 50.44 specifies the requirements for combustible gas control inside reactor containment structures, and § 50.46 specifies the requirements for light-water power reactor emergency core cooling systems. For § 50.46, the potential was identified for making risk-informed changes to requirements for both ECCS cooling performance and ECCS analysis acceptance criteria in § 50.46(b).

PRM–50–71

On March 14, 2000, as amended on April 12, 2000, the Nuclear Energy Institute (NEI) submitted a PRM (ADAMS Accession No. ML003723791) requesting that the NRC amend its regulations in §§ 50.44 and 50.46 (PRM–50–71). The NEI petition noted that these two regulations apply to only two specific zirconium-alloy fuel cladding materials (zircaloy and ZIRLO™). The NEI stated that reactor fuel vendors had subsequently developed new cladding materials other than zircaloy and ZIRLO™ and that, in order for licensees to use these new materials under the regulations, licensees needed to request NRC approval of exemptions from §§ 50.44 and 50.46.

On May 31, 2000, the NRC published a notice of receipt (65 FR 34599) and requested public comment. The public comment period ended on August 14, 2000, and the NRC received 11 public comment letters from public citizens and the nuclear industry. Although the majority of the comments generally supported the requests of the PRM, one commenter suggested that the enhanced efficiency of the proposal would be at the expense of public health and safety. The NRC disagrees with that commenter and notes that, while the petition's proposal would remove specific zirconium-alloy names from the regulation, the NRC review and approval of specific zirconium-alloys for use as reactor fuel cladding would be required prior to their use in reactors (with the exception of lead test assemblies permitted in technical specifications). The NRC's detailed discussion of the public comments submitted on PRM–50–71, including a detailed list of commenters, is contained in a separate document, ''Section 50.46c and PRM–50–71 Comment Response Document'' (ADAMS Accession No. ML12283A213).

After evaluating the petition and public comments received, the NRC

decided that PRM–50–71 should be considered in the rulemaking process. The NRC's determination was published in the **Federal Register** on November 6, 2008 (73 FR 66000). Because most of the issues raised in this PRM pertain to § 50.46, the PRM is addressed in this proposed rule.[1]

Staff Requirements Memorandum Direction

On March 31, 2003, in response to SECY–02–0057, ''Update to SECY–01–0133, 'Fourth Status Report on Study of Risk-Informed Changes to the Technical Requirements of 10 CFR Part 50 (Option 3) and Recommendations on Risk-Informed Changes to 10 CFR 50.46 (ECCS Acceptance Criteria)' '' (ADAMS Accession No. ML020660607), the Commission issued a staff requirements memorandum (SRM) (ADAMS Accession No. ML030910476) directing the NRC staff to move forward to risk-inform its regulations in a number of specific areas. In addition, this SRM directed the staff to modify the ECCS acceptance criteria to provide a more performance-based approach to the ECCS requirements in § 50.46.

Research Results

Separate from the effort to modify the regulations to provide a more risk-informed, performance-based regulatory approach, the NRC had also undertaken a fuel cladding research program to investigate the behavior of high-exposure fuel cladding under accident conditions. This research program included an extensive LOCA research and testing program at Argonne National Laboratory (ANL), as well as jointly-funded programs at the Kurchatov Institute (supported by the French Institute for Radiological Protection and Nuclear Safety and the NRC) and the Halden Reactor project (a jointly-funded program under the auspices of the Organization for Economic Cooperative Development—Nuclear Energy Agency, sponsored by national organizations in 18 countries), to develop the body of technical information needed to support the new regulations.

The effects of both alloy composition and fuel burnup (the extent to which fuel is used in a reactor) on cladding embrittlement (e.g., loss of ductility) under accident conditions were studied in these research programs. The research programs identified new cladding embrittlement mechanisms and expanded the NRC's knowledge of previously identified mechanisms. The research results revealed that alloy composition has a minor effect on embrittlement, but that the cladding corrosion that occurs as fuel burnup increases has a substantial effect on embrittlement. One of the major findings of the NRC's research program was that hydrogen, which is absorbed in the cladding as a result of zirconium oxidation (e.g., corrosion) under normal operation, has a significant influence on embrittlement during a postulated LOCA. Increased hydrogen content increases both the solubility of oxygen in zirconium and the rate at which it is diffused within the metal, thus increasing the amount of oxygen in the metal during high temperature oxidation in LOCA conditions. Further, the NRC's research program found that oxygen from the oxide fuel pellets enters the cladding from the inner surface if a bonding layer exists between the fuel pellet and the cladding, in addition to the oxygen that enters from the oxide layer on the outside of the cladding. Moreover, under some small-break LOCA conditions (such as extended time-at-temperature around 1,000 degrees Celsius (°C) (1832 degrees Fahrenheit (°F))), a phenomenon termed breakaway oxidation can take place, allowing large amounts of hydrogen to diffuse into the cladding, exacerbating the embrittlement process. Breakaway oxidation is defined as the fuel cladding oxidation phenomenon in which weight gain rate deviates from normal kinetics. This change occurs with a rapid increase of hydrogen pickup during prolonged exposure to a high temperature steam environment, which promotes lack of ductility.

The research results also confirmed a previous finding that if cladding rupture occurs during a LOCA, large amounts of hydrogen from the steam-cladding reaction can enter the cladding inside surface near the rupture location. These research findings have been summarized in Research Information Letter (RIL)–0801, ''Technical Basis for Revision of Embrittlement Criteria in 10 CFR 50.46'' (ADAMS Accession No. ML081350225), and the detailed experimental results from the program at ANL are contained in NUREG/CR–6967, ''Cladding Embrittlement during Postulated Loss-of-Coolant Accidents'' (ADAMS Accession No. ML082130389). Since the publication of NUREG/CR–6967 and RIL–0801, additional testing was conducted related to the embrittlement phenomenon, which has been documented in supplemental reports. Where the additional testing relates to conclusions and recommendations in RIL–0801, RIL–0801 has been supplemented to reference the additional reports and incorporate findings (''Update to Research Information on Cladding Embrittlement Criteria in 10 CFR 50.46,'' dated December 29, 2011 (ADAMS Accession No. ML113050484)).

The NRC publicly released the technical basis information in RIL–0801 on May 30, 2008, and NUREG/CR–6967 on July 31, 2008. Also on July 31, 2008, the NRC published in the **Federal Register** a notice of availability of the RIL and NUREG/CR–6967, together with a request for comments (73 FR 44778). In that notice, the NRC stated that these documents and comments on the documents would be discussed at a public workshop to be scheduled in September 2008. The public workshop was held on September 24, 2008, and included presentations and open discussion between representatives of the NRC, international regulatory and research agencies, domestic and international commercial power firms, fuel vendors, and the general public. A summary of the workshop, including a list of attendees and presentations, is available in ADAMS under Accession No. ML083010496. The NRC has not prepared responses to comments received on the technical basis information as a result of the July 31, 2008, **Federal Register** notice (including comments received at the September 2008 public workshop), because: (i) The public workshop was held, in part, to discuss public comments on the technical basis information, and (ii) further opportunity to comment is available during this proposed rule's formal public comment period.

Based upon a preliminary safety assessment in response to the research findings in RIL–0801, the NRC determined that immediate regulatory action was not required, and that changes to the ECCS acceptance criteria to account for these new findings could reasonably be addressed through the rulemaking process. Recognizing that finalization and implementation of the new ECCS requirements would take several years, the NRC completed a more detailed safety assessment that confirmed current plant safety for every operating reactor. See Section III, ''Operating Plant Safety,'' of this document for further information.

Since 2002, the NRC has met with the Advisory Committee on Reactor Safeguards (ACRS) multiple times to

[1] PRM–50–71 also requested changes to § 50.44. Those changes were addressed in a rulemaking that revised that section (68 FR 54123; September 16, 2003) to include risk-informed requirements for combustible gas control. That regulation was also modified to be applicable to all boiling or pressurized water reactors regardless of type of fuel cladding material used.

discuss the progress of the LOCA research program and rulemaking proposals. Provided in the following table are the dates and ADAMS accession numbers of the relevant ACRS meetings and associated correspondence.

| Date | Meeting/Letter | ADAMS |
|---|---|---|
| October 9, 2002 | Subcommittee Meeting | * ML023030246 |
| October 10, 2002 | Full Committee Meeting | * ML022980190 |
| October 17, 2002 | Letter from ACRS to NRC staff | ML022960640 |
| December 9, 2002 | Response letter from NRC staff to ACRS | ML023260357 |
| September 29, 2003 | Subcommittee Meeting | * ML032940296 |
| July 27, 2005 | Subcommittee Meeting | * ML052230093 |
| September 8, 2005 | Full Committee Meeting | * ML052710235 |
| January 19, 2007 | Subcommittee Meeting | * ML070390301 |
| February 2, 2007 | Full Committee Meeting | ML070430485 |
| May 23, 2007 | Letter from ACRS to NRC Staff | ML071430639 |
| July 11, 2007 | Response letter from NRC staff to ACRS | ML071640115 |
| December 2, 2008 | Subcommittee Meeting | * ML083520501<br>* ML083530449 |
| December 4, 2008 | Full Committee Meeting | * ML083540616 |
| December 18, 2008 | Letter from ACRS to NRC staff | ML083460310 |
| January 23, 2009 | Response letter from NRC staff to ACRS | ML083640532 |
| May 10, 2011 | Subcommittee Meeting | ML111450409 |
| June 8, 2011 | Full Committee Meeting | ML11166A181 |
| June 22, 2011 | Letter from ACRS to NRC staff | ML11164A048 |
| June 23, 2011 | Subcommittee Meeting | ML11193A035 |
| July 13, 2011 | Full Committee Meeting | ML11221A059 |
| July 21, 2011 | Response letter from NRC staff to ACRS | ML111861706 |
| December 15, 2011 | Subcommittee Meeting | ML120100268 |
| January 19, 2012 | Full Committee Meeting | ML12032A048 |
| January 26, 2012 | Letter from ACRS to NRC Staff | ML12023A089 |
| February 17, 2012 | Response Letter from NRC staff to ACRS | ML120260893 |

* ADAMS file is a transcript of the ACRS meeting.

PRM–50–84

On March 15, 2007, Mark Leyse (the petitioner) submitted a PRM to the NRC (ADAMS Accession No. ML070871368) requesting that all holders of operating licenses for nuclear power plants be required to operate such plants at operating conditions (e.g., levels of power production and light-water coolant chemistries) necessary to effectively limit the thickness of crud [2] and/or oxide layers on fuel rod cladding surfaces. The petitioner requests that the NRC conduct rulemaking in the following three specific areas:

(1) Establish regulations that require licensees to operate light-water power reactors under conditions that are effective in limiting the thickness of crud and/or oxide layers on zirconium-clad fuel in order to ensure compliance with § 50.46(b) ECCS acceptance criteria;

(2) Amend appendix K to 10 CFR part 50 to explicitly require that steady-state temperature distribution and stored energy in the reactor fuel at the onset of a postulated LOCA be calculated by factoring in the role that the thermal resistance of crud deposits and/or oxide layers plays in increasing the stored energy in the fuel (these requirements also need to apply to any NRC-approved, best-estimate ECCS evaluation models used in lieu of appendix K to 10 CFR part 50 calculations); and

(3) Amend § 50.46 to specify a maximum allowable percentage of hydrogen content in (fuel rod) cladding.

On May 23, 2007, the NRC published a notice of receipt for this petition in the **Federal Register** (72 FR 28902) and requested public comment. The public comment period ended on August 6, 2007. Comments in support of PRM–50–84 were provided by the Union of Concerned Scientists, two individuals, and the petitioner. The NEI and Strategic Teaming and Resource Sharing organization submitted comments in opposition to the petition. After evaluating the public comments, the NRC resolved PRM–50–84 by deciding that each of the petitioner's issues should be considered in the rulemaking process. The NRC's determination, including the NRC's response to public comments received on the petition, was published in the **Federal Register** on November 25, 2008 (73 FR 71564). Although there is no direct relationship between the subject of crud and the anticipated new ECCS acceptance criteria requirements, the petition deals with the NRC's requirements on ECCS performance in § 50.46. Given the comprehensive changes to § 50.46 being addressed in this rulemaking, the NRC is considering the petitioner's proposed changes in this rulemaking.

*B. Generic Safety Issue (GSI)–191 and Long-Term Cooling*

As a result of evolving staff concerns related to the adequacy of PWR recirculation sump designs, the NRC opened Unresolved Safety Issue (USI) A–43, ''Containment Emergency Sump Performance.'' The resolution of USI A–43 was subsequently documented in Generic Letter (GL) 1985–022, ''Potential for Loss of Post-LOCA Recirculation Capability Due to Insulation Debris Blockage,'' dated December 3, 1985 (ADAMS Accession No. ML031150731). The NRC staff found in GL 1985–022 that the 50 percent blockage assumption, identified in Regulatory Guide (RG) 1.82, ''Sumps for Emergency Core Cooling and Containment Spray Systems,'' Revision 0 (ADAMS Accession No. ML111680318), should be replaced with a more comprehensive requirement to assess debris effects on a plant-specific basis. Following the resolution of USI A–43, industry events at Barsebeck and Limerick Generating Station challenged the conclusion that no new requirements were necessary to prevent the clogging of ECCS strainers at operating boiling water reactors (BWR).

[2] For the purpose of this discussion, the NRC defines ''crud'' as any foreign substance deposited on the surface of the fuel cladding prior to the initiation of a LOCA. It is known that this layer can impede the transfer of heat.

As described in NRC Bulletin 95–02, ''Unexpected Clogging of a Residual Heat Removal (RHR) Pump Strainer While Operating in Suppression Pool Cooling Mode,'' dated October 7, 1995 (ADAMS Accession No. ML082490807), a safety relief valve at the Limerick Generating Station inadvertently opened and could not be closed, the plant was manually scrammed, and the RHR system was started in the suppression pool cooling mode to remove the heat added by the open relief valve. The A train of the RHR exhibited signs of pump cavitation and was secured. The B train of the RHR was started to remove the heat from the relief valve discharge. After the plant was stabilized, a diver inspected the pump suction strainers and found a mat of fibers and sludge covering them. The licensee determined that the discharge from the relief valve did not contribute debris to the suppression pool.

As described in NRC Bulletin 96–03, ''Potential Plugging of Emergency Core Cooling Suction Strainers by Debris in Boiling-Water Reactors,'' dated May 6, 1996 (ADAMS Accession No. ML082401219), a Swedish BWR, Barseback Unit 2, experienced plugging of two containment vessel spray system (CVSS) suction strainers. The strainers were partially plugged with mineral wool (a fibrous insulation) that was dislodged by a steam jet from an open pilot operated relief valve. The operators noticed an indication of high-differential pressure across the strainers and were able to back flush them to keep the CVSS operating.

Also described in NRC Bulletin 96–03 are two ECCS suction strainer plugging events that occurred at the Perry Nuclear Power Plant, a BWR located in the United States. The first event resulted from general maintenance material and dirt in the suppression pool collecting on the RHR suction strainers. The differential pressure caused by the debris resulted in deformation of the suction strainers. After the suppression pool was cleaned and the suction strainers replaced, a second event occurred when several safety relief valves lifted. The RHR system was used to cool the suppression pool after the steam discharge. The suction strainers were inspected and found to be covered with fibrous debris and corrosion products. A test of the system found that the B train pump suction pressure dropped to zero. The fibrous debris originated from temporary drywell cooling filter media that was accidentally dropped into the suppression pool and not retrieved. The fibers created a filtering bed on which particles collected, resulting in a high-resistance debris bed.

In response to these events, the NRC issued generic communications requesting that BWR licensees take appropriate actions to minimize the potential for the clogging of ECCS suction strainers by debris accumulation following a LOCA. The NRC staff concluded that all BWR licensees have sufficiently addressed these bulletins in a memorandum, ''Completion of Staff Reviews of NRC Bulletin 96–03, 'Potential Plugging of Emergency Core Cooling Suction Strainers by Debris in Boiling-Water Reactors,' and NRC Bulletin 95–02, 'Unexpected Clogging of a Residual Heat Removal (RHR) Pump Strainer While Operating in Suppression Pool Cooling Mode','' dated October 18, 2001 (ADAMS Accession No. ML012970229).

The findings regarding BWR strainers prompted the NRC to open GSI–191, ''Assessment of Debris Accumulation on PWR Sump Performance,'' to ensure that post-accident debris effects would not impede long-term core cooling at PWRs. After completing its technical assessment of GSI–191, the NRC issued Bulletin 2003–01, ''Potential Impact of Debris Blockage on Emergency Sump Recirculation at Pressurized-Water Reactors,'' dated June 9, 2003 (ADAMS Accession No. ML031600259). This bulletin did not require licensees to immediately perform deterministic evaluations for debris effects, but requested that plants take compensatory measures to reduce risk or otherwise enhance the capability of the ECCS and containment spray system (CSS) recirculation functions. The bulletin also informed licensees that the staff was preparing a generic letter that would request that plants demonstrate through deterministic methods that long-term core cooling would not be compromised by debris effects.

Generic Letter 2004–02, ''Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors,'' dated September 13, 2004 (ADAMS Accession No. ML042360586), was issued to all operating PWRs requesting that they perform a mechanistic evaluation of the effects of debris on the ECCS and CSS recirculation functions. The affected plants are currently working to address the issues identified by the generic letter. All operating PWRs have installed larger strainers and taken other actions toward the final resolution of the issue. Final closure of the generic letter has been delayed to allow industry and the NRC staff to develop appropriate methodologies for evaluation of debris related issues that were identified after the issuance of the generic letter. The staff generated two SECY papers on this issue to provide options and solicit feedback from the NRC Commissioners. On December 14, 2012, the Commission issued an SRM (ADAMS Accession No. ML12349A378) for SECY–12–0093, ''Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized-Water Reactor Sump Performance'' (ADAMS Accession No. ML121320270). In this SRM, the Commission directed the following:

> The forthcoming § 50.46c proposed rulemaking should contain a provision allowing NRC licensees on a case-by-case basis, to use risk-informed alternatives. The license amendment process would be used to reconstitute the long-term core cooling licensing basis. Stakeholder comments should be solicited on the proposed provision.

Consistent with this SRM, the proposed rule includes a provision that would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris for long-term cooling.

## III. Operating Plant Safety

### *A. Emergency Core Cooling System: Embrittlement Research Findings*

In response to the research findings in RIL–0801, the NRC performed a preliminary safety assessment of currently operating reactors (''Plant Safety Assessment of RIL–0801 (non-proprietary),'' dated February 23, 2009 (ADAMS Accession No. ML090340073)). This assessment found that, due to realistic fuel rod power history, measured cladding performance under LOCA conditions, and current analytical conservatisms, sufficient safety margin exists for operating reactors. Therefore, the NRC staff determined that immediate regulatory action was not required, and that changes to the ECCS acceptance criteria to account for these new findings can reasonably be addressed through the rulemaking process.

Recognizing that finalization and implementation of the new ECCS requirements would take several years, the NRC decided that a more detailed safety assessment was necessary. As a voluntary industry effort, the PWR Owners Group (OG) (''Letter Report: OG–11–143 PWROG 50.46(b) Margin Assessment,'' dated April 29, 2011 (ADAMS Accession No. ML11139A309)) and BWR OG (''BWROG–TP–11–010 (Rev. 1) Evaluation of BWR LOCA Analyses and Margins Against High Burnup Fuel

Research Findings,'' dated June 2011 (ADAMS Accession No. ML111950139)), under the auspices of NEI, submitted ECCS margin assessment reports. After grouping plants based on similar design features, cladding alloys, or ECCS evaluation models and defining cladding alloy-specific analytical limits, the OG reports identified analytical credits or performed new LOCA analyses necessary to demonstrate that the limiting plant within each grouping had positive margin relative to the research findings. The NRC conducted an audit of the OG reports and supporting General Electric—Hitachi (GEH), AREVA, and Westinghouse engineering calculations. Based on the OG reports and supplemental information collected during the audits, the NRC was able to confirm, for every operating reactor, current safe operation. As documented in the audit report and safety assessment (''ECCS Performance Safety Assessment and Audit Report,'' dated February 10, 2012 (ADAMS Accession No. ML12041A078)), the NRC intends to verify, on an annual basis, continued safe operation until each licensee has implemented the new ECCS requirements. See Section V.E, ''Implementation,'' of this document for the staff-recommended implementation plan developed based on this information.

*B. GSI–191 and Long-Term Core Cooling*

Section II. B., ''GSI–191 and Long-Term Cooling,'' of this document provides background information on GSI–191 and long-term cooling. That section includes information on action taken by the NRC and licensees to address the potential effects of debris on long-term cooling. These actions have contributed significantly to the safety of operating plants. The NRC staff provided information to the Commission in two SECY papers: SECY–10–0113, ''Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized Water Reactor Sump Performance,'' dated August 26, 2010 (ADAMS Accession No. ML101820296); and SECY–12–0093, ''Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized Water Reactor Sump Performance,'' dated July 9, 2012 (ADAMS Accession No. ML12130270).

The Commission issued guidance for the closure of the issue in two SRMs associated with each SECY paper. The SRM to SECY–10–0113 (''Staff Requirements—SECY–10–0113—Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized Water Reactor Sump Performance'' (ADAMS Accession No. ML103570354)) was issued on December 23, 2010. With respect to operating plant safety the SRM stated:

> The staff should take the time needed to consider all options to a risk-informed, safety conscious resolution to GSI–191. While they have not fully resolved this issue, the measures taken thus far in response to the sump-clogging issue have contributed greatly to the safety of U.S. nuclear power plants. Given the vastly enlarged advanced strainers installed, compensatory measures already taken, and the low probability of challenging pipe breaks, adequate defense-in-depth is currently being maintained.

On December 14, 2012, the Commission issued the SRM to SECY–12–0093 (ADAMS Accession No. ML12349A378). With respect to operating plant safety, the SRM reiterated the direction in SRM–SECY–10–0113.

As directed by the Commission, the NRC staff is currently working with licensees to assure adequate safety by closing the issue and updating their licensing bases to reflect full compliance on a schedule consistent with Commission direction.

## IV. Advance Notice of Proposed Rulemaking: Public Comments

On August 13, 2009, the NRC published an Advance Notice of Proposed Rulemaking (ANPR) (74 FR 40767) to obtain stakeholder views on issues associated with amending § 50.46(b). The ANPR indicated that the proposed scope of the rulemaking included four major objectives: (1) Expand the applicability of § 50.46 to include any light-water reactor fuel cladding material; (2) establish performance-based requirements and acceptance criteria specific to zirconium-based cladding materials that reflect research findings; (3) revise the LOCA reporting requirements; and (4) address the issues raised in PRM–50–84 that relate to crud deposits and hydrogen content in fuel cladding. The ANPR provided interested stakeholders an opportunity to comment on the options under consideration by the NRC during a 75-day public comment period. In addition, the NRC asked 12 specific questions in the following categories: Applicability Considerations, New Embrittlement Criteria Considerations, Testing Considerations, Revised Reporting Requirements Considerations, Crud Analysis Considerations, and Cost Considerations. The public comment period ended on October 27, 2009.

The NRC received a total of 19 comment letters during the ANPR's public comment period; these letters were sent from a variety of entities, including one comment from a private citizen, 15 comments from the nuclear industry, one comment from a non-governmental organization, and two comments from the international community. The NRC held a public meeting on April 28–29, 2010, to discuss, among other things, the public comments received on the ANPR. No additional public comments were accepted at this public meeting. The meeting summary is available in ADAMS under Accession No. ML101300490.

As a result of comments received on the ANPR, the NRC has made a number of changes to the proposed rule. A detailed discussion of the public comments submitted on the ANPR, including a detailed list of commenters, is contained in a separate document, ''Section 50.46c and PRM–50–71 Comment Response Document'' (ADAMS Accession No. ML12283A213). The most significant changes as the result of public comments are:

- The specific experimental technique for measuring cladding ductility (i.e., >1.00 percent permanent strain prior to failure during ring-compression loading at a temperature of 135 °C and a displacement rate of 0.033 millimeters per second (mm/sec)) was removed from the rule and provided as one approved method within DG–1262, ''Testing for Postquench Ductility'' (ADAMS Accession No. ML12284A325).
- The specific experimental technique for measuring time until breakaway oxidation (i.e., hydrogen uptake reaches 200 weight part per million (wppm) anywhere on a cladding segment subjected to high-temperature steam oxidation ranging from 1200 °F to 1875 °F (649 °C to 1024 °C)) was removed from the rule and provided as one approved method within DG–1261, ''Conducting Periodic Testing for Breakaway Oxidation Behavior'' (ADAMS Accession No. ML12284A324).
- The proposed risk-informed change to the reporting requirements (objective three of the ANPR) was abandoned. The majority of public comments received on the proposed reporting criteria suggested that the concept was complex, and might promote unnecessary burden or misinterpretation.
- The applicability of the zirconium-based alloy fuel specific performance requirements was expanded to include uranium-plutonium mixed oxide fuel.
- The applicability of the post-quench ductility (PQD) analytical limits in DG–1263, ''Establishing Analytical Limits for Zirconium-Based Alloy Cladding'' (ADAMS Accession No. ML12284A323), was expanded to

encompass cladding hydrogen concentration up to 800 wppm.

- Many changes and improvements were made in the development of DG–1261, DG–1262, and DG–1263.
- A staged implementation plan was developed.

## V. Proposed Requirements for ECCS Performance During LOCAs

The proposed rule would establish a general, performance-based rule governing ECCS performance for LWRs, regardless of fuel design or cladding material. This represents a significant change from the current ECCS regulations, which apply to ''uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding.'' Because ECCS system requirements must be expressed independent of fuel type, and because ECCS system performance ultimately must be based upon maintaining the fuel in the reactor in a safe (analyzed) condition, the proposed rule separates the ECCS system requirements from the need for the applicant/licensee to establish the fuel system design performance criteria constituting a safe condition.

In proposed § 50.46c, the specified performance objectives of the systems, structures, and components of the ECCS are to provide residual heat removal during and following a postulated LOCA. As with the current regulations, the ECCS performance is demonstrated by NRC-approved ECCS evaluation models in proposed § 50.46c. Specific performance requirements and analytical limits have been established for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide pellets within zirconium cladding alloys that account for recent research findings. New performance objectives and analytical limits may be necessary for other fuel designs to take into consideration all degradation mechanisms and any unique features of the particular fuel system that the ECCS is trying to cool.

The proposed rule follows the general regulatory approach of the existing regulations by establishing non-prescriptive, performance-based regulatory language for demonstrating acceptable ECCS system performance and determining the fuel's performance characteristics. The organization and 10 CFR designations of the NRC's requirements governing ECCS (currently in § 50.46) and reactor cooling venting systems (currently in § 50.46a) are expected to change, as a result of: (1) Ongoing rulemaking activities; (2) the proposed implementation schedule for those activities; and (3) the need to maintain the current requirements in place for those licensees that have not transitioned to the new requirements (following the implementation schedule that would be provided in the final rule). A detailed description of the transition of 10 CFR designations is provided in Section VI, ''Section-by-Section Analysis,'' of this document.

### *A. Applicability of Performance-Based Rule: Consideration of PRM–50–71*

The NRC proposes to expand the applicability of the rule from ''uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding'' to any LWR, regardless of fuel design or cladding material. The proposed rule would be applicable to applicants for and holders of construction permits, operating licenses, combined licenses, and standard design approvals and to applicants for certified designs and for manufacturing licenses. The rule would not apply to any licensee that has submitted certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, in accordance with § 50.82(a)(1).

Over the past 10 years, the NRC has granted exemptions from the requirements of § 50.46 (in accordance with § 50.12(a)) to licensees utilizing approved fuel designs with M5 zirconium-based alloy cladding and, more recently, to licensees using approved fuel designs with Optimized ZIRLO™ zirconium-based alloy cladding.

The proposed rule includes general performance requirements for future LWR fuel designs and specific performance requirements for the current generation of LWR fuel designs with zirconium-based alloy claddings. As such, it is anticipated that future exemption requests would not be necessary for loading an advanced fuel design or cladding material approved by the NRC through a rulemaking. However, the licensee would still need to submit a license amendment. During this approval process the NRC would determine whether, either: (1) Specified and NRC-approved analytical limits have been established, along with an NRC-approved ECCS evaluation model, which satisfy the specific performance-based requirements for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide pellets within zirconium-based alloy cladding material; or (2) specified performance objectives and associated analytical limits which take into consideration all degradation mechanisms and any unique features of the particular fuel system have been established, along with an NRC-approved ECCS evaluation model, by which to judge the ECCS performance for new fuel designs.

The NRC recognizes that a small number of fuel rods may experience cladding failuare (i.e., small perforation) during normal operation due to manufacturing defects, debris fretting, grid-to-rod fretting, etc. The allowable number of fuel rod failures during normal operation is not governed by ECCS performance requirements, but limited by 10 CFR part 20, ''Standards for Protection against Radiation,'' and plant Technical Specifications, which limit reactor coolant activity level to maintain on-site and off-site dose during normal operation, anticipated operational occurrences, and postulated accidents to within prescribed limits. In addition to Technical Specifications limitations, plant administrative limits on reactor coolant activity level further reduce the potential number of failed fuel rods within an operating core.

Due to secondary degradation effects, the performance of these limited failed fuel rods during a postulated LOCA may be difficult to predict, and would most likely be outside the experimental database used to set the NRC-approved analytical limits for coolable geometry (i.e., cladding embrittlement for zirconium-based alloys). However, due to their limited number relative to the total core population, any unforeseen degradation or performance during a postulated LOCA would not challenge the general performance requirements. As such, compliance with ECCS performance requirements of § 50.46c is not required for this limited number of failed fuel rods.

This proposed extension to all LWR fuel types addresses PRM–50–71, which requested that the applicable regulations be amended to allow for the introduction of advanced zirconium-based alloy claddings, thus eliminating the need for a licensee to pursue an exemption for alloys which did not meet the definition of ''zircaloy or ZIRLO™.'' If the NRC adopts the proposed rule in final form, PRM–50–71 would be granted and resolved.

### *B. Performance-Based Aspects of the Proposed Rule*

The systems, structures, and components of the ECCS are designed to provide residual heat removal during and following a postulated LOCA. Failure of the ECCS to perform its intended function would result in a loss of coolable geometry followed by core reconfiguration. While the principal ECCS performance requirements are simple in nature (i.e., remove residual heat and maintain core temperatures at acceptable levels), the system must be

designed to achieve specified performance objectives, taking into consideration all degradation mechanisms and any unique features of the particular fuel system that the ECCS is intended to cool. Sufficient empirical data must be available for the particular fuel system to identify all degradation mechanisms (e.g., embrittlement, loss of structural integrity) and any unique features (e.g., eutectic or exothermic reactions, combustible gas generation) to specify both acceptable core temperatures and the duration for which the ECCS must remove residual heat. In addition, fuel-specific analytical requirements may be necessary to accurately or conservatively model unique phenomena that impact the ECCS performance demonstration (e.g., fuel rod balloon and burst, cladding inside-diameter oxygen ingress).

To achieve the NRC's goal of a more performance-based rule, significant changes in format and structure are being proposed relative to § 50.46. In place of the current prescriptive § 50.46(b) analytical limits, the proposed rule would define the following principal ECCS performance requirements:

- Core temperature during and following the LOCA event does not exceed the analytical limits for the fuel design used for ensuring acceptable performance. This ensures that the fuel maintains a coolable geometry.
- Sufficient cooling so that decay heat will be removed for the extended period of time required by the long-lived radioactivity remaining in the core so that long-term cooling is ensured.

Complying with these performance requirements provides reasonable assurance that the overall objective of maintaining a coolable core geometry in the event of a LOCA is met. In addition, the proposed rule would dictate specific analytical requirements for demonstrating compliance with the ECCS performance requirements. For instance, to demonstrate compliance with these system performance requirements, ECCS performance would be evaluated using fuel-specific performance objectives and associated analytical limits that take into consideration all degradation mechanisms and unique features of the particular fuel system, along with an NRC-approved evaluation model.

The proposed rule includes specific performance requirements for fuel designs consisting of uranium oxide or mixed uranium-plutonium oxide fuel pellets within cylindrical zirconium-alloy cladding. These performance requirements incorporate the findings of the NRC LOCA research program. New performance objectives and analytical limits may be necessary for other fuel designs.

For uranium oxide or mixed uranium-plutonium oxide fuel pellets within cylindrical zirconium-alloy cladding, all known degradation mechanisms and unique features have been identified, specific performance objectives have been defined, and fuel design-specific performance requirements have been established and included in the proposed rule. For this fuel system design, the performance objective is to maintain the coolable fuel rod bundle array. In other words, the objective is to maintain fuel pellets within the cladding and fuel rods within the fuel bundle lattice. Existing ECCS models and methods are capable of accurately predicting core temperatures and demonstrating ECCS performance, provided this core configuration is maintained. To achieve this performance objective, the ECCS must limit core temperatures to prevent high-temperature cladding failure, prevent brittle cladding failure (i.e., maintain PQD and prevent breakaway oxidation), minimize hydrogen gas generation, and provide for long-term residual heat removal for the long-lived fission decay products associated with uranium oxide or uranium-plutonium oxide fuel.

The following § 50.46(b) requirements would remain unchanged in the proposed § 50.46c:

- *Peak cladding temperature.* The calculated maximum fuel element cladding temperature shall not exceed 2200 °F. The peak cladding temperature requirements currently in § 50.46(b)(1) would be moved to § 50.46c(g)(1)(i).
- *Maximum hydrogen generation.* The calculated total amount of hydrogen generated from the chemical reaction of the cladding with water or steam shall not exceed 0.01 times the hypothetical amount that would be generated if all of the metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume, were to react. The maximum hydrogen generation limits currently in § 50.46(b)(3) would be moved to § 50.46c(g)(1)(iv).

In the current regulations, the preservation of cladding ductility, via compliance with regulatory criteria on peak cladding temperature (§ 50.46(b)(1)) and local cladding oxidation (§ 50.46(b)(2)), provides a level of assurance that fuel cladding will not experience gross failure and that the fuel rods will remain within their coolable lattice arrays. The recent LOCA research program identified new cladding embrittlement mechanisms that demonstrated that the current combination of peak cladding temperature (2200 °F (1204 °C)) and local cladding oxidation (17 percent equivalent cladding reacted (ECR)) criteria may not always ensure PQD. The impact of these research findings on cladding ductility is addressed in the following section.

1. Hydrogen-Enhanced Beta-Layer Embrittlement

As explained in Section 1.4 of NUREG/CR–6967, oxygen diffusion into the base metal under LOCA conditions promotes a reduction in the size (referred to as beta-layer thinning) and ductility (referred to as beta-layer embrittlement) of the metallurgical structure within the cladding that provides its macroscopic mechanical behavior. The presence of hydrogen within the cladding enhances this embrittlement process.

It is important to recognize that the embrittlement of the cladding is the result of oxygen diffusion into the base metal and not directly related to the rate of growth or overall thickness of a zirconium dioxide layer on the outside cladding diameter. In combination with a limit on peak cladding temperature, the current regulation limits maximum local oxidation to preserve cladding ductility. Maximum local oxidation is used as a surrogate to limit the ITT and associated oxygen diffusion. This surrogate approach is possible because both the rate of oxidation and rate of oxygen diffusion share strong temperature dependence. In the recent LOCA research program, the Cathcart-Pawel (CP) weight gain correlation was used to integrate time-at-temperature and define the point at which ductility was lost (nil ductility). Section 1.3 of NUREG/CR–6967 defines the following equations used to integrate time-at-temperature:

$$ECR_{One\text{-}sided\ oxidation} = 43.9\ [(Wg/h)/(1-h/Do)], \quad \text{(Eqn. 5 of NUREG/CR-6967)}$$

$$ECR_{Two\text{-}sided\ oxidation} = 87.8\ (Wg/h), \quad \text{(Eqn. 6 of NUREG/CR-6967)}$$

where ECR is in percent, Wg is in $g/cm^2$, h is cladding thickness in cm, and Do is cladding outside diameter in cm. The CP weight gain correlation (Wg) is defined as follows:

$$Wg = 0.602\ \exp(-1.005x10^4/T)t^{1/2}, \quad \text{(Eqn. 4 of NUREG/CR-6967)}$$

where Wg is given in $g/cm^2$, T is temperature in Kelvin, and t is time in seconds.

Measurements of weight gain were performed on many of the steam-oxidized cladding samples tested in the LOCA research program. For example, Table 22 of NUREG/CR–6967 provides both measured ECR and calculated Cathcart-Pawel Equivalent Cladding Reacted (CP–ECR) for the zircaloy-2 cladding samples tested. Instead of correlating measured plastic strain or measured offset displacement with measured ECR or measurements of the post-quench cladding microstructure (e.g., beta layer thickness), the research findings correlate the ductile-to-brittle transition to calculated CP–ECR (using the equations previously stated). In this instance, calculated ECR is used to integrate time-at-temperature and requires knowledge of measured ECR. However, an accurate or conservative weight gain model based on measured oxidation, which may be alloy-specific or vary significantly from CP predictions, needs to be used for predicting rate of energy release and hydrogen generation from the metal/water reaction in the LOCA heat balance calculation.

In an attempt to more accurately characterize the degrading phenomenon, the proposed rule would replace the term ''maximum local oxidation'' with ''ITT,'' which more directly relates to the parameter of interest (i.e., embrittlement due to oxygen diffusion). This should clarify the need to have: (1) An accurate or conservative weight gain correlation based on measured oxidation for estimating the rate of energy release and hydrogen generation from the metal/water reaction, and (2) a consistent analytical technique to integrate time-at-temperature in both the empirical database (i.e., allowable CP–ECR) and evaluation model (i.e., predicted CP–ECR).

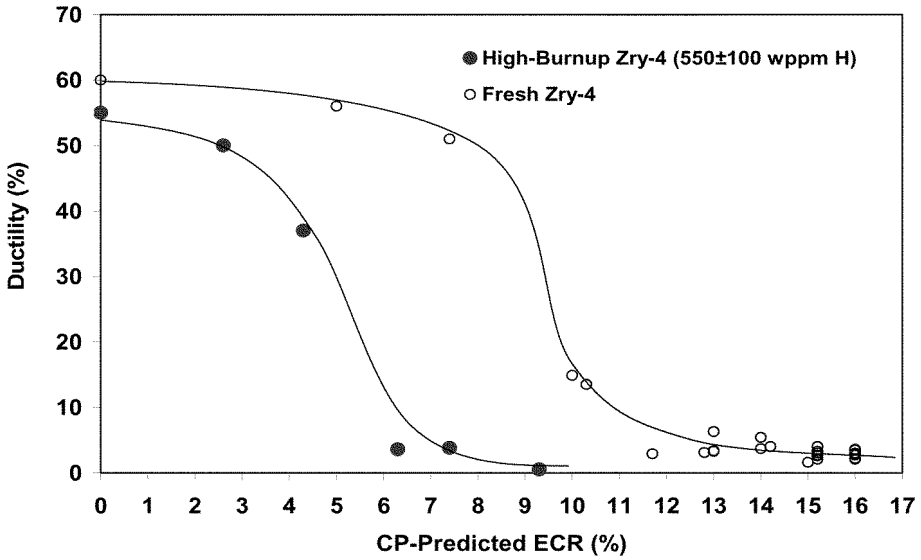
During normal operation, the cladding metal absorbs some hydrogen from the corrosion process. When that cladding is exposed to high-temperature LOCA conditions, the elevated hydrogen levels increase the solubility of oxygen in the beta phase and the rate of diffusion of oxygen into the beta phase. Therefore, even for LOCA temperatures below 1204 °C (2200 °F), embrittlement can occur for time periods corresponding to less than 17-percent oxidation in corroded cladding with significant hydrogen pickup.

Figure 1 illustrates the effect of hydrogen on ring-compression test ductility measurements. Test specimens included high-burnup (a 71- to 74-micrometer corrosion-layer thickness) and as-fabricated (fresh) PWR Zircaloy-4 cladding segments. Cladding samples were oxidized on two sides at approximately 1200 °C (~2200 °F) and cooled at approximately 11 °C per second to 800 °C (1472 °F). As-fabricated samples were quenched at 800 °C, whereas the high-burnup samples were slow-cooled from 800 °C to room temperature.

Figure 1 plots ECR (a parameter correlated with oxygen pickup from the steam) as calculated by the CP–ECR kinetics correlation vs. the offset strain accommodated before cracking in ring compression testing. The offset strain before cracking indicates sample ductility and an offset strain less than 2 percent is considered brittle. Multiple ring compression tests were conducted using rings that had been oxidized to a range of CP–ECR levels from 0–16 percent. The results indicate that high burnup cladding material embrittles more rapidly than fresh material. For these tests, an ECR of 7 percent (where the high burnup material indicated brittle behavior) corresponds to a total (integral) oxidation time of ~155 seconds, while an ECR of 14 percent (where the fresh material first indicated brittle behavior) corresponds to ~300 seconds.

FIGURE 1: Measured Offset Strains

(Source: NUREG/CR-6967)




To address this phenomenon (as well as to achieve a more performance-based rule), the NRC proposes to replace the existing prescriptive analytical limits with a performance-based requirement that would require licensees to establish specified and NRC-approved analytical limits on PCT and ITT. These limits should correspond to the measured ductile-to-brittle transition for the zirconium-based alloy cladding based upon an NRC-approved experimental technique. If the peak cladding temperature that preserves cladding ductility is lower than the 2200 °F limit, the licensee should use the lower temperature.

The NRC is issuing draft regulatory guide DG–1263 for comment. The draft regulatory guide provides licensees with ''specified and NRC-approved analytical limits on PCT and ITT,'' based upon the NRC's LOCA research program's measured ductile-to-brittle transition for zirconium-based alloy cladding. In addition, the NRC is issuing DG–1262 for comment, which provides licensees with ''an NRC-approved experimental technique'' for conducting PQD measurements and developing analytical limits. These DGs specify an approach acceptable to the NRC. Even if the draft regulatory guides are adopted in final form, licensees may propose alternative approaches to those described in those regulatory guides.

It is important to recognize that a consistent integration technique should be used to quantify time at elevated temperature in both the experiments and evaluation model. For example, the NRC-approved analytical limits on ITT in DG–1263 were based on the NRC's LOCA research program results, which, in turn, integrated time at elevated temperature using the CP weight gain correlation. For consistency with DG–1263, future LOCA analyses should integrate time at elevated temperature using the same CP weight gain correlation when comparing analysis results against these analytical limits. For this case, appendix K to 10 CFR part 50 ECCS evaluation models would continue to use the Baker-Just (BJ) weight gain correlation for estimating the rate of energy release and hydrogen generation from the metal/water reaction.

The NRC's LOCA research program did not investigate cladding degradation mechanisms or develop the technical basis for performance-based requirements beyond the existing 2200 °F peak cladding temperature criterion. Examples of degradation mechanisms beyond cladding embrittlement (via oxygen diffusion) include excessive exothermic metal-water reaction, alloy-specific eutectics, and loss of fuel rod geometry due to plastic flow. As a result, the existing 2200 °F limit (specified in § 50.46c(g)(1)(i) of the proposed rule) remains an absolute upper limit for zirconium-based alloys on PCT. However, as reflected in this proposed requirement, a lower PCT may be required to preserve ductility.

2. Oxygen Ingress From Cladding Inside Diameter

Oxygen sources may be present on the inner surface of irradiated cladding due to gas-phase $UO_3$ transport prior to gap closure, fuel-cladding-bond formation (uranium dioxide in solid solution with zirconium dioxide), and the fuel bonded to this layer. Under LOCA conditions, this available oxygen may diffuse into the base metal of the cladding, effectively reducing the integral time-at-temperature to nil ductility.

To address this phenomenon, the NRC proposes to add an analytical requirement to the ECCS evaluation model that would require licensees to, if an oxygen source is present on the inside surfaces of the cladding at the onset of a LOCA, consider the effects of oxygen diffusion from the cladding inside surfaces in the ECCS evaluation model.

The NRC recognizes that the availability of a cladding inside diameter (ID) oxygen source and its diffusion into the base metal during a postulated LOCA may depend on several factors (e.g., rod design, power history). As such, applicants are responsible for determining when the fuel-cladding bonding layer is strong enough to allow the diffusion of oxygen from the uranium-oxide fuel to the zirconium cladding and, therefore, must be included in the ECCS evaluation model. It is anticipated that identifying the magnitude and onset of oxygen ID diffusion would be part of the NRC's review and approval of LOCA

evaluation models or vendor fuel designs. A conservative analytical limit is provided in draft regulatory guide DG–1263.

3. Breakaway Oxidation

As explained in Section 1.4.5 of NUREG/CR–6967, zirconium dioxide can exist in several crystallographic forms (allotropes). The normal tetragonal oxide that develops under LOCA conditions is dense, adherent, and protective with respect to hydrogen pickup. However, there are conditions that promote a transformation to the monoclinic phase (i.e., the phase that is grown during normal operation), which is neither fully dense nor protective. The tetragonal-to-monoclinic transformation is an instability that initiates at local regions of the metal-oxide interface and grows rapidly throughout the oxide layer. Because this transformation results in an increase in oxidation rate, it is referred to as breakaway oxidation. Along with this increase in oxidation rate resulting from cracks in the monoclinic oxide, significant hydrogen pickup also occurs. Hydrogen that enters in this manner during a LOCA transient promotes rapid embrittlement of the cladding.

While all zirconium alloys will eventually experience breakaway oxide phase transformation when exposed to long durations of high-temperature steam oxidation, alloying composition and manufacturing process (e.g., surface roughness) influence the timing of this phenomenon.

Any fuel rod that experiences breakaway oxidation during a postulated LOCA will rapidly become brittle and more susceptible to gross failure and hence, is no longer in compliance with General Design Criteria (GDC)–35 requirements for coolable core geometry. To address this phenomenon, the NRC proposes to add a performance-based requirement that the licensee measure the onset of breakaway oxidation for each reload batch on manufactured cladding material and report any changes in the onset of breakaway oxidation at least annually. This requirement, along with a periodic test requirement, would confirm that slight composition changes or manufacturing changes have not inadvertently altered the cladding's susceptibility to oxidation. The NRC is issuing DG–1261, which will provide licensees with ''an NRC approved experimental technique'' for conducting breakaway oxidation measurements and developing analytical limits. Even if the draft regulatory guide is finalized, licensees may also provide an alternative approach to that proposed in the draft regulatory guide.

4. Applicability of Ductility-Based Analytical Limits in the Burst Region

During a postulated LOCA, a portion of the fuel rod population may be predicted to experience fuel rod ballooning and cladding rupture as a result of rapid depressurization of the reactor coolant system in combination with elevated cladding temperature. The number of burst rods depends on several variables including initial conditions (e.g., fuel rod design, rod internal pressure, rod power) and accident conditions (e.g., break size, cladding temperature). This flawed section of the fuel rod may experience degradation mechanisms beyond oxygen diffusion embrittlement encountered in the remaining portions of the fuel rod, including significant amounts of hydrogen uptake from steam entering the fuel rod through the rupture.

Consistent with the technical basis of the proposed rule, DG–1262 describes an NRC-approved experimental technique for defining the ductile-to-brittle transition. This experimental procedure involves measuring ductility using ring compression testing performed on small, unflawed segments of fuel rod cladding previously exposed to steam oxidation at a defined peak cladding temperature and the integrated time at temperature profile (expressed as CP–ECR). While this experimental approach captures embrittlement of the zirconium metal due to oxygen diffusion and the effects of pre-existing hydrogen on the rate of embrittlement, it does not capture all of the degradation mechanisms experienced in the region of the fuel rod surrounding a cladding rupture. In addition to embrittlement due to oxygen ingress (which is doubled in the burst region due to steam entering cladding rupture), the burst region experiences cladding wall thinning, cladding rupture, and increased hydrogen uptake (hydrogen absorbed from zirconium oxidation on the cladding ID). All of these degradation mechanisms impact the performance of the fuel rod under LOCA conditions. As such, the ductile-to-brittle transition based on ring compression tests of unflawed cladding segments may not fully represent the region of the fuel rod surrounding the cladding rupture.

The rupture region contains non-uniform distributions of: (1) Oxygen concentration within the base metal and zirconium oxide thickness, (2) soluble hydrogen and zirconium hydrides, (3) cladding wall thickness (due to ballooning), and (4) cladding flaws (due to ballooning and rupture). The overall goal of preserving cladding ductility may not apply to the rupture area that contains non-uniform distributions of flaws, cladding thickness, hydrogen distribution, and oxygen levels.

To investigate the mechanical behavior of ruptured fuel rods, the NRC conducted integral LOCA testing, designed to exhibit ballooning and burst, on as-fabricated and hydrogen-charged cladding specimens and high-burnup fuel rod segments exposed to high-temperature steam oxidation followed by quench. The research results and conclusions are documented in the report ''Mechanical Behavior of Ballooned and Ruptured Cladding'' (ADAMS Accession No. ML12048A475). The integral LOCA testing confirms that continued exposure to a high-temperature steam environment weakens the already flawed region of the fuel rod surrounding the cladding rupture. Hence, limitations on PCT and ITT are necessary to preserve an acceptable amount of mechanical strength and fracture toughness. In addition, this research demonstrated that the degradation in strength and fracture toughness with prolonged exposure to steam oxidation was enhanced with pre-existing cladding hydrogen content.

The research findings from the integral LOCA research presented the NRC with two options for revising the fuel performance requirements: (1) Establish a separate performance requirement within the burst region (i.e., analytical limits that preserve sufficient fracture toughness to ensure burst region survival), or (2) apply the ductility-based analytical limits to the entire fuel rod.

In the absence of a credible analysis of loads, cladding stresses, and cladding strains for a degraded LOCA core, there are no absolute metrics to determine how much ductility or strength would be needed to ''guarantee'' that fuel-rod cladding would maintain its geometry during and following LOCA quench. It is also not clear what impact severance of some fuel rods into two pieces would have on core coolability. Fragmentation of fuel rod cladding would be more detrimental to core coolability than severance of rods into two pieces. Even minimal ductility ensures that cladding will have high strength and toughness and therefore, high resistance to fracturing. Brittle cladding, on the other hand, might fail at low strength and shatter. Therefore, the intent to maintain ductility is beneficial even without adequate knowledge of LOCA loads. If wall thinning and double-sided oxidation are accounted for, then it was determined that applying the hydrogen-

based embrittlement limit developed in previous work at ANL to limit oxidation in the balloon region of the irradiated fuel rods tested at Studsvik was sufficient to preserve reasonable behavior of the ballooned and ruptured region.

The integral LOCA research concluded that application of the hydrogen-dependent ductility-based analytical limits on PCT and ITT (when applied within the burst region) preserve the mechanical behavior of high-burnup rods tested to that measured for as-fabricated cladding oxidized to 17 percent CP–ECR. Assuming highly conservative upper bounds on thermal expansion loading during quench, the residual mechanical behavior preserved by this limit was determined to be adequate to demonstrate that coolable geometry is maintained. As such, the NRC elected the second regulatory approach to apply a single performance-based requirement to the entire fuel rod. This decision recognizes that portions of the cladding within the burst region may not maintain ductility. This decision is reflected in DG–1263 and supported by the technical basis documented in the staff report, ''The Mechanical Behavior of Ballooned and Ruptured Cladding'' (ADAMS Accession No. ML12048A475).

5. Long-Term Cooling

The current regulation in § 50.46(b)(5) requires that for long-term cooling the calculated core temperature be maintained at an acceptably low value following any calculated successful initial operation of the ECCS. It also requires that decay heat be removed for the extended period of time required by the long-lived radioactivity remaining in the core.

The proposed rule would define a performance-based requirement to ensure acceptable fuel performance during long-term cooling. Specifically, the proposed rule would require that a specified and NRC-approved analytical limit on peak cladding temperature be established that corresponds to the measured ductile-to-brittle transition for the zirconium-based alloy cladding material based upon an NRC-approved experimental technique. It would also require that the calculated maximum fuel element temperature should not exceed the established analytical limit.

6. Use of Risk-Informed Approaches To Address Debris for Long-Term Cooling

The proposed rule would allow all entities to use an alternative risk-informed approach to evaluate the effects of debris for long-term cooling. The adverse effects of debris on ECCS performance have been documented in the NRC's actions to resolve GSI–191, ''Assessment of Debris Accumulation on PWR Sump Performance.'' Debris may cause increased head loss across the ECCS and CSS pump suction strainer and restrict the flow of water to the ECCS and CSS pumps. Debris may also pass through the strainer and cause blockage of components or the core, or damage to components downstream of the strainer. For these reasons, the effects of debris on long-term ECCS cooling performance must be evaluated. However, the NRC believes that risk-informed methodologies have progressed to the point where the NRC may allow their use in considering the effects of debris on the adequacy of long-term ECCS cooling performance. The entity's application and the NRC's review and approval of the application will close that entity's required actions under GSI–191.

For the purpose of § 50.46c provisions on the risk-informed alternative to long-term cooling, debris is material within containment that may be transported to the suction strainer(s) for the ECCS and CSS. Debris includes (but is not limited to) loose materials that may transport and materials that may be damaged by a LOCA jet to the extent that they become transportable. Debris sources of interest typically include insulation, coatings, dust, dirt, concrete, fire barrier material, signs and tags, and materials left in containment; however, debris may originate from other sources. Debris may also result from chemical interactions that cause precipitation of materials. Debris may cause increased head loss across the strainer and restrict the flow of water to the ECCS and CSS pumps. Debris may also pass through the strainer and cause blockage of components or the core, or damage to components downstream of the strainer.

The proposed § 50.46c provisions allowing a risk-informed approach for evaluating the effects of debris on long-term cooling performance would require that the defense-in-depth philosophy and safety margins be maintained and, as a result, defense-in-depth and safety margins must be explicitly considered. This consideration of defense-in-depth and safety margins is consistent with the NRC's general guidance regarding risk-informed decisionmaking contained in RG 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk Informed Decisions on Plant Specific Changes in the Licensing Basis,'' Revision 2, dated May 2011 (ADAMS Accession No. ML100910006). The RG 1.174 provides guidance on an acceptable approach to risk-informed decision-making, consistent with the Commission's Policy Statement on the Use of Probabilistic Risk Assessment (PRA) dated August 16, 1995 (60 FR 42622). The RG sets forth a set of five key principles, four of which are relevant to the proposed rule:

- Maintain the defense in depth philosophy;
- Maintain sufficient safety margins;
- Any changes allowed must result in no more than a small increase in core damage frequency or risk, consistent with the intent of the Commission's Safety Goal Policy Statement; and
- Incorporate monitoring and performance measurement strategies.

The proposed rule is consistent with the defense in depth principle of RG 1.174. Defense-in-depth has traditionally been applied in reactor design and operation to provide multiple means of accomplishing safety functions and to prevent the release of radioactive material. The applicant would need to address the intent of the general design criteria (or similar licensing basis design criteria), national standards, and engineering principles (e.g., single failure criterion) in evaluating the impact of the alternative approach on defense-in-depth. Defense-in-depth is considered sufficient if the overall redundancy and diversity among the plant's systems and barriers, including the containment and its support systems, is sufficient to ensure that the risk acceptance criteria of § 50.46c(e)(1)(i) are met, and the following attributes are maintained:

- Reasonable balance is preserved among prevention of core damage, prevention of containment failure or bypass, and mitigation of consequences of an offsite release.
- There is not an over-reliance on programmatic activities to compensate for weaknesses in plant design.
- System redundancy, independence, and diversity are preserved commensurate with the expected frequency of challenges, consequences of failure of the system, and associated uncertainties in determining these parameters.
- Defenses against potential common cause failures are preserved and the potential for the introduction of new common cause failure mechanisms are assessed and addressed.
- Independence of barriers is not degraded.
- Defenses against human errors are preserved.
- The intent of the plant's design criteria is maintained.

Regarding the maintenance of sufficient safety margins, the applicant would need to address the impact of implementing the alternate approach on

current safety margins. Consistent with RG 1.174, Revision 2, sufficient safety margins are considered to be maintained when:

- Codes and standards or their alternatives approved for use by the NRC are met.
- Safety analysis acceptance criteria in the licensing basis are met or proposed revisions provide sufficient margin to account for analysis and data uncertainty.

The risk-informed provisions for considering the effects of debris on long-term cooling would also require that any potential net increase in risk from implementation of the risk-informed approach be assessed and that reasonable confidence is provided that this change in risk is small. The NRC regards ''small'' changes for plants with total baseline core damage frequencies (CDF) of $10^{-4}$ per year or less to be CDF increases of up to $10^{-5}$ per year and plants with total baseline CDF greater than $10^{-4}$ per year to be CDF increases of up to $10^{-6}$ per year. However, if there is an indication that the CDF may be considerably higher than $10^{-4}$ per year, the focus of the applicant should be on finding ways to decrease rather than increase CDF and the licensee may be required to present arguments as to why steps should not be taken to reduce CDF in order for the alternate approach to be considered. For plants with total baseline large early release frequency (LERF) of $10^{-5}$ per year or less, small LERF increases are considered to be up to $10^{-6}$ per year, and for plants with total baseline LERF greater than $10^{-5}$ per year, small LERF increases are considered to be up to $10^{-7}$ per year. Similar to the CDF metric, if there is an indication that the LERF may be considerably higher than $10^{-5}$ per year, the focus of the licensee should be on finding ways to decrease rather than increase LERF and the licensee may be required to present arguments as to why steps should not be taken to reduce LERF in order for the alternate approach to be considered. This perspective is consistent with the guidance in Section 2.2.4 of RG 1.174, Revision 2.

Finally, § 50.46c contains requirements that would ensure that the plant-specific PRA is of sufficient scope, level of detail, and technical adequacy for this approach and is updated and maintained over time and that the risk-informed approach is evaluated periodically. The technical adequacy of the plant-specific PRA would be assessed by the NRC taking into account appropriate standards and peer review results. The NRC has prepared an RG (RG 1.200, ''An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,'' dated March 2009 (ADAMS Accession No. ML090410014)) on determining the technical adequacy of PRA results for risk-informed activities. As one step in the assurance of technical adequacy, the PRA must have been subjected to a peer review process assessed against a standard or set of acceptance criteria that is endorsed by the NRC. Therefore, the NRC staff would rely on the NEI Peer Review Process, as modified in the NRC's approval, or the American Society of Mechanical Engineers (ASME)/American Nuclear Society (ANS) Peer Review Process, as modified in the NRC's approval; both processes are documented in RG 1.200. Changes and data, including: (1) Operational practices; (2) the facility configuration; (3) plant and industry experience; and (4) structure, system, and component (SSC) performance would be required to be fed back into the PRA and the § 50.46c risk-informed analyses and, when appropriate, adjustments would be made to maintain the validity of these processes. In addition, § 50.46c contains requirements for corrective action and reporting, to the NRC, conditions where the established risk-informed approach results exceed the risk acceptance criteria. Together, these requirements would maintain the validity of the risk-informed approach such that the risk-informed decisionmaking principles would continue to be satisfied over the life of the facility.

In as much as § 50.46c contains requirements that would (1) provide reasonable confidence that any net risk increase from implementation of its requirements is small; (2) maintain defense-in-depth; (3) maintain safety margins; and (4) require the use of monitoring and performance measurement strategies, the proposed rule is consistent with the Commission's policy on the use of PRA for risk-informed decision-making and, more importantly, would maintain adequate protection of public health and safety.

Future Development of Draft Guidance for the Risk-Informed Alternative

South Texas Project Nuclear Operating Company (STPNOC) submitted a letter of intent to pilot a risk-informed approach for addressing GSI–191 (ADAMS Accession No. ML103481027) in December 2010. Subsequently, the NRC received a pilot submittal from STPNOC on January 31, 2013 (ADAMS Accession No. ML13043A013), supplemented on June 19, 2013 (ADAMS Accession No. ML131750250). In parallel with the NRC's review of the application, the NRC will develop draft guidance for the risk-informed alternative to address the effects of debris on long-term cooling. That draft guidance will be published for comment upon completion, which is currently anticipated for early- to mid-calendar year 2015. The NRC will then evaluate public comments received on the draft guidance, and develop the final guidance on a timeline that ensures all guidance (both for the risk-informed alternative and the new proposed embrittlement criteria) is available when the NRC staff provides the final § 50.46c rule to the Commission (currently scheduled for February 2016).

*C. Corrective Actions and Reporting Requirements*

1. Peak Cladding Temperature and Equivalent Cladding Reacted

The ANPR identified the third objective of the rulemaking as the revision of the LOCA reporting requirements. Specifically, the ANPR indicated that the NRC considered revising the reporting criteria by redefining what constitutes a significant change or error in such a manner as to make the reporting requirements dependent upon the margin between the acceptance criteria limits and the calculated values of the respective parameters (i.e., PCT or CP–ECR). After reviewing the public comments received, the NRC recognizes that the proposed reporting requirements specified in the ANPR were complex, and might, as a result, promote unnecessary burden or misinterpretation. As such, the reporting requirements of this proposed rule would not incorporate a dependence on margin between the acceptance criteria and calculated parameters.

The proposed rule would add a reporting requirement and definition of significant change or error based on predicted changes in maximum local oxidation (i.e., ECR), reformat the reporting section to clarify existing requirements, and add a reporting requirement based on periodic breakaway oxidation measurements. Any changes or errors that prolong the temperature transient may further challenge the ITT analytical limit; however, they may not significantly change the predicted PCT. As such, this change or error would not be captured in the reporting requirements. To improve the reporting and evaluation of changes or errors of this type, the NRC would expand the definition of significant change or error to include maximum local oxidation. The

threshold for a significant change or error, 0.4 percent ECR, would be equivalent to a change in calculated ECR for a 50 °F change in cladding temperature.

The definition of a significant change or error (i.e., 50 °F PCT, 0.4 percent ECR) is specific to zirconium-alloy cladding. A new definition of significant change or error may be necessary for other cladding materials. In addition, the proposed rule would require the use of maximum local oxidation (i.e., percent ECR) to evaluate the impact of a change or error on the predicted ITT.

Reporting requirements with respect to any ''change to or error discovered in an NRC-approved ECCS evaluation model or in the application of such a model'' have been a source of confusion. Two common misconceptions are: (1) Baseline values when estimating a significant change or error (i.e., greater than 50 °F), and (2) 30-day reporting including ''a proposed schedule for providing a reanalysis.'' When estimating a significant change or error, the proposed rule provides threshold values for both PCT and local oxidation. The baseline predictions used to assess a significant change or error should be the PCT and maximum local oxidation values documented in a plant's updated final safety analysis report (UFSAR). These values should represent the latest LOCA analyses that were submitted and reviewed by the NRC staff as part of a license amendment request (e.g., power uprate, fuel transition) as amended by prior annual reports. The following example illustrates the NRC's position:

In 2007, a licensee submits new LOCA analyses as part of an extended power uprate license amendment request with a predicted PCT of 1900 °F and maximum local oxidation (MLO) of 2.4 percent ECR. The 2008 and 2009 annual reports identify no changes or errors. In 2010, two errors in the ECCS evaluation model are discovered and documented in the annual report with an estimated impact on PCT of +25 °F and −20 °F and estimated impact on MLO of +0.08 percent ECR and −0.01 percent ECR. A 30-day notification was not required since the estimated impact was below the threshold for a significant change or error. At this point, the licensee should update the UFSAR, document the error notification, and identify the baseline for judging future changes or errors as 1905 °F PCT and 2.5 percent ECR.

When a change to or error in an ECCS evaluation model is discovered, the licensee would be responsible for estimating the magnitude of changes in predicted results to: (1) Determine if immediate steps are necessary to demonstrate compliance or bring plant design or operation into compliance with § 50.46c requirements, and (2) identify reporting requirements. Under the proposed rule, a licensee's obligation to report and take corrective action varies depending upon whether the licensee's situation falls into one of three possible scenarios, as described in this document:

1. *Change, error, or operation that does not result in any predicted response that exceeds any acceptance criteria and is itself not significant.*

The licensee must:

a. Submit an annual report documenting the change(s), error(s), or operation along with the estimated magnitudes of changes in predicted results.

b. Revise the UFSAR.

c. Use the UFSAR PCT/ECR predictions as a baseline for future evaluations.

2. *Change, error, or operation that does not result in any predicted response that exceeds any acceptance criteria but is significant.*

The licensee must:

a. Submit a 30-day report documenting the change(s), error(s), or operation, estimated magnitudes of changes in predicted results, and the schedule for providing a new analysis of record (AOR). The NRC will review the new AOR.

b. Revise the UFSAR to include new AOR.

c. Use the UFSAR PCT/ECR predictions as a baseline for the future evaluations.

3. *Change, error, or operation that results in any predicted response that exceeds acceptance criteria.*

The licensee must:

a. Take immediate actions to bring the plant into compliance with acceptance criteria.

b. Report the change, error, or operation under §§ 50.55(e), 50.72, and 50.73, as applicable.

c. Submit a 30-day report documenting the change(s), error(s), or operation, estimated magnitudes of changes in predicted results, and the schedule for providing a new AOR. The NRC will review the new AOR.

d. Revise the UFSAR to include new AOR.

e. Use the UFSAR PCT/ECR predictions as the baselines for future evaluations.

The proposed reporting requirements in § 50.46c(m) reflect reformatting of the current reporting provisions in order to separately identify these three scenarios and clarify their respective requirements.

The proposed rule would also add the requirement to report results of breakaway oxidation measurements to the NRC. The licensees would be required to measure breakaway oxidation prior to each reload batch, and report the measurements within the calendar year following the testing. The breakaway oxidation phenomenon is explained in detail in sub-section B.3, ''Breakaway Oxidation'' of this section, ''Proposed Requirements for ECCS Performance During LOCAs.'' This reporting requirement would be specific to zirconium-alloy cladding and may not be applicable to other cladding materials.

2. Risk-Informed Alternative To Address Debris for Long-Term Cooling

Section 50.46c(e) of the proposed rule would require reasonable confidence that any calculated increase in CDF or LERF associated with debris is small. In the context of this paragraph, the calculated increases in CDF and LERF represent the difference between the as-built, as-operated plant (accounting for the effects of debris) and the ''baseline'' plant where the effects of debris are assumed to be negligible. This approach quantifies the portions of CDF and LERF attributable to debris and designates them as ΔCDF and ΔLERF. These metrics inform the NRC staff's decision on whether the effects of debris are acceptably small and consistent with the Commission's Safety Goal Policy Statement.

Subsequent changes to the plant or the PRA model may change the baseline CDF and LERF values as well as ΔCDF and ΔLERF. Because the NRC staff's original decision was based in part on these metrics, subsequent changes to their values should be assessed to ensure that the bases for this decision are still valid. It should be noted that the cumulative effects of operating changes (including plant modifications, procedural changes, and SSC performance) must be maintained within the rule's risk acceptance criteria over the life of the plant and, therefore, the evaluation of subsequent changes needs to address the cumulative effect of these changes.

Therefore, the proposed rule contains a corrective action and reporting requirement that would ensure that changes and errors are evaluated, reported to the NRC (as appropriate), and corrected in a timely manner (as appropriate). Consistent with the NRC's integrated approach to decisionmaking, changes that can impact risk, defense-in-depth, or safety margins need to be evaluated and, as appropriate, reported to the NRC. These terms, while frequently used, can have different definitions to different stakeholders. Therefore, the NRC intends to ensure that licensees using the risk-informed

approach to debris update their UFSAR to list applicable plant-specific capabilities of defense-in-depth and safety margins with respect to the proposed rule.

In addition, the NRC's approval under § 50.46c(e)(3) would specify the circumstances under which the entity would be required to notify the NRC of changes or errors in the risk evaluation approach used to address the effects of debris on long-term cooling. This requirement would ensure that if errors in the approach are identified subsequent to the NRC approval or if the entity seeks to change specific aspects of their approach that were determined by the NRC to be important to the NRC approval, such as the scope or level of detail of the PRA, these circumstances would be clearly identified in the NRC's approval. These requirements would ensure conditions that result in exceeding the § 50.46c(e) acceptance criteria are identified, corrected, and reported in a timely manner, and thus, ensure the effects of debris on long-term core cooling continue to be appropriately addressed.

The corrective action and reporting requirements for the aspects of the rule related to entities using the risk-informed alternative approach of § 50.46c(e) would be established in § 50.46c(m)(4). The proposed rule recognizes that there are different corrective and reporting requirements for different entities, as depicted in Table 1, Corrective Actions and Reporting: Risk-Informed Approach.

TABLE 1—CORRECTIVE ACTIONS AND REPORTING: RISK-INFORMED APPROACH

| Entity (and applicable proposed requirement) | Requirement to re-evaluate? | Requirement to report? | Requirement to make necessary changes? |
|---|---|---|---|
| Design certification applicant before issuance of final design certification rule (covered by § 50.46c(m)(4)(i)). | No (But known errors and discoveries must be corrected). | Yes (Submit amended application). | Yes (Changes in amended application). |
| Design certification applicant during the period of validity under § 52.55(a) and (b)—not currently referenced in any combined operating license (COL) application or COL (covered by § 50.46c(m)(4)(ii)). | No | Yes (Only if referenced in a COL; then within 30 days). | No. |
| Design certification applicant during the period of validity under § 52.55(a) and (b)—once referenced in a COL application or COL (covered by § 50.46c(m)(4)(iii)). | Yes | Yes | No. |
| Design certification renewal applicant (covered by § 50.46c(m)(4)(iv)). | Yes | Yes (as part of renewal application). | Yes. |
| Combined license applicant (covered by § 50.46c(m)(4)(v)). | No (But known errors and discoveries must be corrected). | Yes (Submit amended application). | Yes (Changes in amended application). |
| Combined license holder before finding under § 52.103(g) (covered by § 50.46c(m)(4)(vi)). | No | Yes | Yes. |
| Operating license holder or combined license holder after finding under § 52.103(g) (covered by § 50.46c(m)(4)(vii)). | Yes | Yes | Yes. |

For design certification applicants (i.e., prior to issuance of the final design certification rule), the proposed rule would require that, if any errors are discovered, the applicant must submit a report to the NRC within an amended application. That amended application would describe any changes to the certified design and/or changes in the analyses, evaluations, and modeling (including the debris evaluation model and the PRA and its supporting analyses); and would demonstrate that the acceptance criteria in § 50.46c(e)(1) are met.

For design certification applicants during the period of validity under § 52.55(a) and (b) that are not currently referenced in any COL application or COL, there would be no evaluation, reporting, or change requirement. However, once the design certification is referenced by a COL applicant, any information regarding compliance with § 50.46c(e)(1) must be reported in accordance with the requirements in 10 CFR part 21.

For design certification applicants during the period of validity under § 52.55(a) and (b) that *are* referenced in a COL application or COL, the proposed rule would require the design certification applicant to evaluate and report any information concerning compliance with the acceptance criterion of § 50.46c(e)(1). However, there would be no requirement to make changes to the analyses, evaluations, and modeling until the time of renewal.

For design certification renewal applicants, the proposed rule would require the applicant to re-evaluate the analyses, evaluation, and modeling; report any changes or errors; and include in its application any necessary changes to the certified design, debris evaluation model, PRA, or supporting analyses to demonstrate that the renewed certified design meets the acceptance criteria in § 50.46c(e)(1).

For combined license applicants, the proposed rule would require the applicant to report any errors that are discovered within 30 days of the completion of that determination. The combined license applicants would be required to report the errors and make any necessary changes to the analyses, evaluation, or modeling within the amended application.

For combined licenses before the finding under § 52.103(g), the proposed rule would require that any errors that are discovered be updated in the analyses, evaluations, and modeling no later than the scheduled date for initial fuel loading under § 52.103(a). The licensee must also confirm that the acceptance criteria of § 50.46c(e)(1) continue to be met. Once this update is submitted, and until the Commission has made the finding under § 52.103(g), the licensee shall re-perform the review to ensure the acceptance criteria of § 50.46c(e)(1) continue to be met in a timely manner; this ensures that updating occurs if there are extended delays in the scheduled date for initial fuel loading. If the licensee determines that any acceptance criterion of § 50.46c(e)(1) are not met, then the licensee would be required to submit an application for amendment of its

combined license and departure from a referenced design certification rule, if applicable.

For operating licenses and combined licenses after the finding under § 52.103(g), the proposed rule would require that the licensee re-evaluate the analysis, evaluation, and modeling by no later than 48 months after the last review to confirm that the acceptance criteria of § 50.46c(e)(1) continue to be met. The licensee would also be required to take action in a timely manner to bring the licensee into compliance and report any failure to meet the acceptance criteria of § 50.46c(e)(1). Further, the amended application for the combined license would be required to include a request for exemption from a referenced design certification rule but would not need to address the criteria for obtaining an exemption.

*D. Consideration of PRM–50–84: Thermal Effects of Crud and Oxide Layers*

Determination of PRM

This proposed rule would address issues raised in a PRM that was submitted by Mark Leyse on March 15, 2007, and docketed as PRM–50–84. The petition requests that the NRC conduct rulemaking in three specific areas:

(1) Establish regulations that require licensees to operate light-water power reactors under conditions that are effective in limiting the thickness of crud and/or oxide layers on zirconium-clad fuel in order to ensure compliance with § 50.46(b) ECCS acceptance criteria;

(2) Amend appendix K to 10 CFR part 50 to explicitly require that the steady-state temperature distribution and stored energy in the reactor fuel at the onset of the postulated LOCA be calculated by factoring in the role that the thermal resistance of crud deposits and/or oxide layers plays in increasing the stored energy in the fuel. (These requirements also need to apply to any NRC-approved, best-estimate ECCS evaluation models used in lieu of appendix K to 10 CFR part 50 calculations); and

(3) Amend § 50.46 to specify a maximum allowable percentage of hydrogen content in [fuel rod] cladding.

On May 23, 2007 (72 FR 29802), the NRC published a notice of receipt for this petition in the **Federal Register** and requested public comment on the petition. The public comment period ended on August 6, 2007. After evaluating the public comments, the NRC decided that each of the petitioner's issues should be considered in the rulemaking process. On this basis, the NRC closed the docket on the petition for rulemaking. The NRC's determination, and evaluation of public comments received, was published in the **Federal Register** on November 25, 2008 (73 FR 71564).

Technical Issues in PRM–50–84

Licensees use approved fuel performance models to determine fuel conditions at the start of a LOCA, and the impact of crud and oxidation on fuel temperatures and pressures may be determined explicitly or implicitly by the system of models used. With the addition of an unambiguous regulatory requirement to address the accumulation of crud and oxide during plant operation, the NRC believes that fuel performance and LOCA evaluation models must include the thermal effects of both crud and oxidation whenever their accumulation would affect the calculated results. The NRC notes that licensees are required to operate their facilities within the boundary conditions of the calculated ECCS performance. During or immediately after plant operation, if actual crud layers on reactor fuel are implicitly determined or visually observed after shutdown to be greater than the levels predicted by or assumed in the ECCS evaluation model, licensees would be required to determine the effects of the increased crud on the calculated results. In many cases, engineering judgment or simple calculations could be used to evaluate the effects of increased crud levels; therefore, detailed LOCA reanalysis may not be required. In other cases, engineering judgment is used to determine that new analyses would be performed to determine the effect the new crud conditions have on the final calculated results. If unanticipated or unanalyzed levels of crud are discovered, then the licensee must determine if correct consideration of crud levels would result in a reportable condition as provided in the relevant reporting paragraphs. Should this proposed rule be adopted in final form, the NRC believes this regulatory approach to address crud and oxide accumulation during plant operation would satisfactorily address the issues raised by the petitioner's first request.

The formation of cladding crud and oxide layers is an expected condition at nuclear power plants. Although the thickness of these layers is usually limited, the amount of accumulated crud and oxidation varies from plant to plant and from one fuel cycle to another. Intended or inadvertent changes to plant operational practices may result in unanticipated levels of crud deposition. The NRC agrees with the petitioner (the petitioner's second request) that crud and/or oxide layers may directly increase the stored energy in reactor fuel by increasing the thermal resistance of cladding-to-coolant heat transfer, and may also indirectly increase the stored energy through an increase in the fuel rod internal pressure. As such, to ensure that licensee ECCS models properly account for the thermal effects of crud and/or oxide layers that have accumulated during operations at power, the proposed rule would add a requirement to evaluate the thermal effects of crud and oxide layers that may have accumulated on the fuel cladding during plant operation. If the NRC adopts the proposed rule in final form, then the second request of PRM–50–84 would be resolved.

The petitioner's third request is for the NRC to establish a maximum allowable percentage of hydrogen content in fuel rod cladding. The purpose of this request is to prevent embrittlement of fuel cladding during a LOCA. Although the NRC has decided not to propose the specific rule language recommended by the petitioner, the proposed new zirconium-specific requirements, if adopted in final form, would address the petitioner's third request by considering cladding hydrogen content in the development of analytical limits on integral time at temperature.

The NRC believes that this proposed rule addresses each of the three issues raised in PRM–50–84. If the NRC adopts the proposed rule in final form, PRM–50–84 would be granted in part and resolved.

*E. Implementation*

The proposed rule would specify the dates for compliance with the rule for existing operating license holders as well as holders of new reactor construction permits, combined licenses, and applicants for standard design certifications. The proposed rule sets forth a staggered schedule for compliance with the final rule, depending upon existing margin to the revised requirements with respect to embrittlement and the anticipated level of effort to demonstrate compliance. Apart from this staggered schedule for compliance, the rule also allows licensees the alternative of voluntarily seeking to meet the long-term cooling requirements of the proposed rule (and other changes as permitted by the risk-informed alternative and noted in the application) using a risk-informed approach, which could be accomplished in advance of the date for compliance

with the rule as set forth in the staggered schedule.

1. Staggered Implementation Schedule

For existing operating nuclear power reactors, the proposed rule includes a staged schedule for implementation. The NRC has developed this staged implementation to improve the efficiency and effectiveness of this migration toward the new ECCS requirements for the existing operating fleet. As part of this plan, licensees have been divided among three implementation tracks based upon existing margin to the revised requirements and anticipated level of effort to demonstrate compliance. The purpose of the staged implementation approach is to bring licensees into compliance as quickly as possible, while accounting for: (1) Differences between realistic and appendix K to 10 CFR part 50 LOCA models; and (2) the level of effort and scope of analyses required for compliance. Table 2 provides an overview of the implementation schedule for the existing fleet. Note that the compliance schedule requirement represents the date that the licensee submits either the letter report or license amendment request (as opposed to the date of NRC approval). The proposed track assignments for every operating reactor is provided in Table 1 of proposed § 50.46c(o). Table 1 of proposed § 50.46c(o) would be updated, as necessary, to capture the implementation track assignments for all operating reactors at the time the final rule is issued. Applications for a 10 CFR part 50 operating license under review on the effective date of the rule would be assigned an implementation track based on the factors used in establishing the three tracks (as described in Table 1). An applicant for a new 10 CFR part 50 operating license submitted or docketed after the effective date of the rule must comply with the provisions of the rule. The NRC notes that Vermont Yankee Nuclear Power Station is listed in the implementation track assignments. Although Vermont Yankee submitted a notification of permanent cessation of power operations under § 50.82(a)(1)(i) (see ADAMS Accession No. ML13273A204), that notification contained only an estimate of the date of cessation. Vermont Yankee plans to supplement that letter with a (firm) date of cessation, as required per §§ 50.82(a)(1)(i) and 50.4(b)(8). Watts Bar, Unit 2, and Bellefonte, Units 1 and 2, have construction permits in effect or in the process of being reinstated. However, the ECCS margin to the proposed rule's requirements on embrittlement for each of these plants is not yet known. (A final safety analysis report (FSAR) has not been approved for these plants.) The NRC will determine the appropriate track for each plant once its ECCS margin to embrittlement is finalized. At that point, that plant would be added to Table 1 of proposed § 50.46c(o) in the appropriate track, and the title of Table 1 would be modified accordingly.

TABLE 2—IMPLEMENTATION PLAN

| Implementation track | Basis | Anticipated level of effort | Number of units | | Compliance demonstration |
|---|---|---|---|---|---|
| | | | BWR | PWR | |
| 1 | All plants which satisfy new requirements without new analyses or model revisions. | Low | 27 | 37 | No later than 24 months from effective date of rule. |
| 2 | PWR plants using realistic large-break (LB) LOCA models requiring new analyses. BWR/2 plants. | Medium | 2 | 13 | No later than 48 months from effective date of rule. |
| 3 | PWR plants using appendix K LB and small-break (SB) models requiring new analyses. BWR/3 plants. | Medium-High | 6 | 15 | No later than 60 months from effective date of rule. |

To support the implementation of the proposed requirements on individual plant dockets, fuel vendors would be encouraged to submit for NRC review alloy-specific hydrogen uptake models and any LOCA model updates (e.g., incorporation of CP weight gain correlation) no later than 12 months from the effective date of the final rule. Upon approval, these models and methods could be used to demonstrate the ECCS performance against the new analytical limits. For Track 1 plants that would not require new ECCS evaluations, licensees should complete any necessary engineering calculations, update their plant UFSAR, and provide a letter report to the NRC documenting compliance with § 50.46c. The NRC recognizes that to demonstrate compliance, these plants would need to utilize newly-approved hydrogen uptake models and integrate time at temperature using the CP weight gain correlation (for appendix K to 10 CFR part 50 models).

For any unit at a plant that would require a new ECCS evaluation, including adopting a previously approved realistic evaluation model, revising an existing evaluation model, performing a new LOCA break spectrum analysis, performing a multiple rod survey (e.g., burnup-rod power tradeoff), or making changes to a technical specification or core operating limit report (COLR), licensees would need to submit the new LOCA AOR and, where applicable, a license amendment request updating the COLR list of approved methods.

The NRC has developed a phased implementation approach for applicants and holders of standard design approvals, design certifications, combined licenses, and manufacturing licenses granted under 10 CFR part 52.

The proposed implementation plan for reactors approved under 10 CFR part 52 would allow the applicant for a design certification, standard design approval, or manufacturing license either submitted to, or docketed by, the NRC prior to the effective date of the rule, to come into compliance with the rule at the time of any application for renewal.

An applicant for a design certification, standard design approval, or manufacturing license submitted or docketed after the effective date of the rule must comply with the provisions of the rule.

The holder of a combined license granted prior to the effective date of the rule would be permitted to operate the plant for one fuel cycle before demonstrating compliance with the rule. Doing so would permit adequate time to submit demonstration of compliance with the rule prior to

achieving fuel burnup for which the cladding limitations are imposed by the rule. In this case the holder of the combined license would be required to remain in compliance with the ECCS performance acceptance criteria in place at the time the combined license was granted.

Applicants for combined licenses docketed after the effective date of the rule must comply with the provisions of the rule.

The proposed rule reflects the NRC's determination that reactor designs reviewed and approved under 10 CFR part 52 should have the same constraints as the reactors operating under 10 CFR part 50 with respect to development, submittal, and approval of ECCS performance models necessary to demonstrate compliance with this rule. Alloy-specific hydrogen uptake models and all ECCS performance model updates would be expected to be submitted in a timely manner for NRC review and approval so that demonstration of the ECCS performance with respect to the analytical limits would not impact plant operation more than is necessary.

The proposed rule also reflects the NRC's expectation that, for new reactors licensed to operate prior to the effective date of the rule, operation for at least the initial fuel cycle using fuel that has not been analyzed under the proposed rule's provisions accounting for burn-up effects does not present an adequate protection concern. During the initial fuel cycle, the NRC believes that burn-up effects would not be limiting, and the current ECCS rule's acceptance criteria are sufficient during the initial fuel cycle to provide reasonable assurance of adequate protection with respect to overall ECCS performance.

2. Compliance With Long-Term Cooling Requirements Using Risk-Informed Approach To Address Debris Effects

Implementation of the alternative approach to addressing the impact of debris on long-term cooling is independent from implementation of the requirements related to the embrittlement research findings. The NRC would allow partial early implementation of the proposed requirements of § 50.46c, limited to this alternative approach. In other words, an applicant may elect to submit its risk-informed alternative under § 50.46c(e) prior to demonstrating compliance with the other requirements of § 50.46c. In this case, the licensee would have to receive NRC approval on both its risk-informed submittal and the analytical limit for long-term cooling required under § 50.46c(g)(1)(v) prior to using the risk-informed approach. The NRC is proposing to allow early implementation because the NRC encourages licensees to complete resolution of GSI–191 and this risk-informed alternative is one way of resolving the issue.

The NRC has determined that a licensee's decision to use a risk-informed methodology to evaluate the effects of debris on ECCS and CSS with respect to long-term cooling following a LOCA should be reviewed and approved by the NRC prior to implementation. The ECCS and CSS are significant safety systems that provide necessary defense-in-depth. The design bases for the ECCS are of high regulatory significance to the NRC, as reflected in the detailed requirements applicable to the ECCS (and the associated fuel system) in § 50.46 and appendix K to 10 CFR part 50. In addition, the design bases for the ECCS and the CSS affect the design bases for many other SSCs throughout the nuclear power plant. Therefore, changes to the design assumptions for the ECCS and CSS may have significant effects on the design bases for other SSCs throughout the plant. These potential effects include changes in the consequences of postulated accidents, margins of safety, and defense-in-depth.

The NRC also determined that § 50.59, properly implemented, would not allow a change to the design bases of a plant to use a risk-informed methodology for evaluating the effects of debris on long-term cooling. A risk-informed methodology for addressing the effects of debris on long-term cooling is a departure from the method of evaluation described in the current UFSAR, as updated and used in establishing the design bases in the safety analysis as defined in § 50.59(a)(2). Hence, under § 50.59(c)(2)(viii), a licensee's departure from the existing methodology for evaluating long-term cooling must be reviewed and approved by the NRC as a license amendment.

In sum, given the importance of the ECCS and CSS, the ''cascading'' effects of changes in ECCS and CSS design on the design bases of other SSCs of a nuclear power plant, the NRC believes that a licensee's decision to use a risk-informed methodology to evaluate the effects of debris on ECCS with respect to long-term cooling should be reviewed and approved by the NRC. Under the proposed rule, the NRC's review and approval is accomplished through the license amendment process in accordance with §§ 50.90 through 50.92.

## VI. Section-by-Section Analysis

The organization and 10 CFR designations of the NRC's requirements governing emergency core cooling (currently in § 50.46) and reactor cooling venting systems (currently in § 50.46a) are expected to change. These changes would result from:

(1) The current schedule for Commission serial adoption of two rulemakings: (i) The finalization of the proposed rule on risk-informed changes to ECCS systems, currently referred to as the § 50.46a rulemaking, followed by; (ii) the finalization of this proposed rule on performance-based changes to ECCS requirements and cladding acceptance criteria, currently referred to as the § 50.46c rulemaking;

(2) The proposed schedule for implementation of these rules; and

(3) The need to maintain current requirements in place for those reactors that have not transitioned to the new requirements under the implementation schedule to be specified in the final rule.

The following table shows how the organization and 10 CFR designation of these rules will evolve, if the NRC sequentially adopts the two final rules and licensees complete implementation of the alternate cladding requirements. The NRC notes that, in an SRM, ''SRM–SECY–10–0161—'Final Rule: Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements (10 CFR 50.46a)','' dated April 26, 2012 (ADAMS Accession No. ML12117A121), the Commission approved the NRC staff's request to withdraw SECY–10–0161, ''Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements (10 CFR 50.46a),'' from Commission consideration (ADAMS Accession No. ML121500380). The NRC does not plan to publish a notice in the **Federal Register** withdrawing the § 50.46a proposed rule. The NRC staff plans to resubmit the draft final rule for Commission consideration in conjunction with the Near-Term Task Force (NTTF) Recommendation 1 activities. (For information on NTFF Recommendation 1, see ''Recommendations for Enhancing Reactor Safety in the 21st Century,'' dated July 12, 2011, ADAMS Accession No. ML 112510271.) Therefore, the § 50.46a rulemaking still may be finalized before the § 50.46c rulemaking, as assumed in the following table.

| Existing NRC requirements and proposed new regulations (bolded rules are currently in effect) | Rulemaking and implementation activities | | |
|---|---|---|---|
| | Adoption of final risk-informed ECCS requirements (§ 50.46a) | Initial codification of final performance-based fuel cladding requirements | End of phased implementation period for performance-based cladding requirements |
| **§ 50.46 ECCS Acceptance Criteria** ..... | § 50.46 ECCS Acceptance Criteria (*unchanged*). | § 50.46 ECCS Acceptance Criteria (*unchanged*). | § 50.46 ECCS Acceptance Criteria (*see discussion for § 50.46c under this column*). |
| Risk-Informed ECCS Requirements *(currently designated in final rulemaking package as § 50.46a).* | § 50.46a Risk-Informed ECCS Requirements. | § 50.46a Risk-Informed ECCS Requirements. | § 50.46a Risk-Informed ECCS Requirements. |
| **§ 50.46a Reactor Coolant Venting Systems**. | Redesignated as § 50.46b. | NA (*Redesignation as § 50.46b completed*). | NA (*Redesignation as § 50.46b completed*). |
| Performance-based ECCS and Cladding Requirements *(currently designated in draft proposed rulemaking package as § 50.46c).* | NA ..... | § 50.46c Alternate Fuel Cladding Requirements. | NA *(Administrative rulemaking would: (i) remove superseded fuel cladding requirements in § 50.46, and (ii) redesignate § 50.46c as § 50.46.).* |

*A. Section 50.46c—Heading*

A new section, § 50.46c, would be created in 10 CFR part 50 by this rulemaking. The heading of § 50.46c would be ''Emergency core cooling system performance during loss-of-coolant accidents.''

*B. Section 50.46c(a)—Applicability*

Paragraph (a) would define the applicability of the proposed rule, which remains limited to LWRs, but would be expanded beyond fuel designs consisting of uranium oxide pellets within cylindrical zircaloy or ZIRLO™ cladding. The proposed rule would also be applicable to applicants for and holders of construction permits, operating licenses, combined licenses, and standard design approvals, and also to applicants for standard design certifications and for manufacturing licenses.

*C. Section 50.46c(b)—Definitions*

Paragraph (b) would provide definitions for terms used in this section. The definitions of *Loss-of-coolant accident* and *Evaluation model* would remain unchanged from those currently located in § 50.46(c)(1) and (c)(2), respectively.

The definition of *Breakaway oxidation* and *Debris evaluation model* would be added.

*D. Section 50.46c(c)—Relationship to Other NRC Regulations*

Paragraph (c) would describe the relationship of § 50.46c to other NRC regulations. The description in proposed paragraph (c) would remain largely unchanged from that of the current regulation found in § 50.46(d). However, the description would be revised to make clear that an approach approved by the NRC under § 50.46c(e) may also be used when evaluating the effects of debris to demonstrate compliance with other requirements of this part, including GDC–35, GDC–38, and GDC–41 (as allowed by § 50.46c and requested in the application).

*E. Section 50.46c(d)—Emergency Core Cooling System Design*

Paragraph (d)(1) would define performance-based requirements for the ECCS. Paragraph (d)(2) would require that ECCS performance be demonstrated using an NRC-approved ECCS evaluation model meeting specific requirements for a range of postulated LOCAs of different sizes, locations, and other properties, sufficient to provide assurance that the most severe postulated LOCA has been identified. The provisions for a realistic ECCS model or appendix K to 10 CFR part 50 model would remain unchanged from the current regulation found in § 50.46(a)(1)(i) and (ii), respectively. Similarly, the model requirement that calculated changes in core geometry must be addressed would remain unchanged from the current regulation found in § 50.46(b)(4). Paragraph (d)(2)(iii) would explicitly require that the ECCS evaluation model address calculated changes in core geometry, and consider factors that may alter localized coolant flow or inhibit delivery of coolant to the core. Demonstration of ECCS performance in the post-accident recovery period, or long-term cooling, is expected to consider inhibition of core flow that can result from such factors as, but not limited to, pump damage, piping damage, boron precipitation, and deposition of debris and/or chemicals associated with the long-term cooling mode of recirculation coolant collection from the reactor building sump. Consideration of debris and/or chemical deposition is already required by the current rule, and the proposed rule does not alter the current efforts to address such factors under programs such as GSI–191. Demonstration of consideration of such factors may also be achieved through analytical models that adequately represent the empirical data obtained regarding debris deposition. The proposed rule would alternatively allow the use of risk-informed approaches to evaluate the effects of debris on localized coolant flow and delivery of coolant to the core during the long-term cooling (post-accident recovery) period.

In addition, paragraph (d)(2)(iv) of the proposed rule would specifically require that ECCS performance be demonstrated for both the accident and the post-accident recovery and recirculation period.

Paragraph (d)(2)(v) would require that the ECCS model address the fuel system modeling requirements in paragraph (g)(2) if the reactor uses uranium oxide or mixed uranium-plutonium oxide pellets within zirconium cladding (e.g., currently operating reactors).

Paragraph (d)(3) would provide the ECCS evaluation model documentation requirements currently provided in appendix K, Section II, ''Required Documentation.''

*F. Section 50.46c(e)—Alternate Risk-Informed Approach for Addressing the Effects of Debris on Long-Term Core Cooling*

Paragraphs (d)(2)(iii) and (e) would allow entities to use a risk-informed approach for addressing the effects of debris on long-term core cooling. Paragraphs (e)(1)(i) through (e)(1)(iv) would provide the acceptance criteria for an acceptable alternative risk-informed approach for addressing the effects of debris on long-term core cooling and would establish minimum requirements for the plant PRA and how it is to be used in the alternate risk-informed approach. These proposed requirements are intended to ensure that the implementation of the alternate risk-informed approach to address debris

effects on long-term core cooling would provide reasonable confidence that any resulting increase in CDF and LERF will be small, and that sufficient defense-in-depth and safety margins are maintained. These proposed requirements are consistent with the key principles of risk-informed decisionmaking described in RG 1.174, Revision 2.

Paragraph (e)(1)(i) of the proposed rule would require that there be reasonable confidence that any potential risk increase be small. Paragraph (e)(1)(ii) would require that sufficient defense-in-depth and safety margins be maintained as part of the implementation of the alternate risk-informed approach. Further, paragraphs (e)(1)(iii) and (iv) would contain the minimum requirements for the plant PRA and how it is to be used in the alternate risk-informed approach.

Paragraph (e)(2) would require those applicants seeking to use the alternative risk-informed approach under paragraph (e)(1) to submit an application that contains the information provided in paragraphs (e)(2)(i) through (e)(2)(v).

Paragraph (e)(2)(i) would require applicants to follow established regulatory guidance that the NRC expects to finalize concurrent with the final rule. If an applicant wishes to use a different approach, the submittal must provide a sufficient description of how the alternative risk-informed approach would be conducted and why it is acceptable.

Paragraph (e)(2)(ii) would require that initiating events from sources both internal and external to the plant and for all modes of operation, including low power and shutdown modes, be considered when evaluating the effects of debris on long-term core cooling using the alternate approach. This aspect of the rule recognizes that the minimum PRA that would be required by paragraph (e)(1)(iv) may not address all sources of initiating events and modes of operations, and as such, other approaches may be used. Therefore, the application would need to describe the measures taken to assure the scope, level of detail, and technical adequacy of all the analyses performed to address severe accidents are sufficient for this application and address the full spectrum of initiating events and modes of operation.

Paragraph (e)(2)(iii) would specifically address the need to provide the results of the PRA review process. This aspect includes such items as any peer reviews performed, any actions taken to address peer review findings that are important to the application, and any efforts to compare the plant-specific PRA to the ASME/ANS PRA standard, as endorsed by the NRC in RG 1.200.

In paragraph (e)(2)(iv), the applicant would be required to include information about the evaluations they conduct to provide reasonable confidence that any potential increase in risk would be small. The applicant would be required to provide sufficient information to the NRC, describing the evaluations and the basis for their acceptability as appropriately representing the potential increase in risk from implementation of the requirements in this rule.

In paragraph (e)(2)(v), the applicant would be required to provide a description of the analytical limit on long-term peak cladding temperature established in accordance with paragraph (g)(1)(v).

Paragraph (e)(3) would provide that the NRC may approve an application to implement the alternative risk-informed approach if it determines that the proposed approach satisfies the requirements of paragraph (e)(1) and establishes an acceptable long-term peak cladding temperature limit. The NRC staff would review the description of the alternative risk-informed approach set forth in the application, and the associated evaluations, to confirm that it contains the elements required by the rule. The NRC staff would also review the information provided about the plant-specific PRA and other systematic evaluations used to evaluate severe accidents in support of the application to assure that the scope, level of detail, and technical adequacy of the analyses are commensurate with the reliance on the risk information. This aspect of the review would involve the NRC assessment of the information provided about: 1) the peer review process to which the plant-specific PRA was subjected, 2) the reliance on other systematic evaluations to address areas not covered by the plant-specific PRA, and 3) the approach for maintaining sufficient defense-in-depth and safety margins. The NRC staff intends to use review guidance for this purpose. The NRC's approval of the use of the risk-informed approach to address long-term cooling would specify the circumstances under which the entity would be required to notify the NRC of changes or errors in the risk evaluation approach used to address the effects of debris on long-term cooling. Depending upon the nature of the underlying application (e.g., license, design certification rule, or design approval), the approval and notification requirement will be implemented through a license condition, a provision in the design certification rule, or a condition of the design approval, as applicable.

Paragraph (f) would be added to reserve rulemaking space for future amendments to § 50.46c.

*G. Section 50.46c(g)—Fuel System Designs: Uranium Oxide or Mixed Uranium-Plutonium Oxide Pellets Within Cylindrical Zirconium-Alloy Cladding*

This section would be added to set forth fuel design specific analytical limits and performance-based requirements by which to judge the overall ECCS performance in accordance with paragraph (d)(1) for LWRs using uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium alloy cladding. The fuel performance criteria in paragraph (g)(1) and fuel system modeling requirements in paragraph (g)(2) are based on the established degradation mechanisms and performance objectives for this specific fuel type.

Paragraph (g)(1)(i) would establish an analytical limit on peak cladding temperature to avoid cladding embrittlement, high temperature failure modes, and run-away exothermic oxidation. Except as calculated in paragraph (g)(1)(ii), the calculated maximum fuel element cladding temperature should not exceed 2200 °F. This requirement remains unchanged from the current requirement at § 50.46(b)(1).

Paragraph (g)(1)(ii) would require that the zirconium alloy cladding maintains sufficient post-quench ductility in order to avoid gross failure. This requirement replaces the current prescriptive analytical limit, 17 percent ECR, in § 50.46(b)(2).

Paragraph (g)(1)(iii) would be added to establish a performance-based requirement to preclude breakaway oxidation in order to avoid cladding embrittlement and gross failure. Breakaway oxidation is a new requirement relative to § 50.46(b).

Paragraph (g)(1)(iv) would establish an analytical limit on maximum hydrogen generation to avoid an explosive concentration of hydrogen gas. This requirement would be the same as that of the current regulation in § 50.46(b)(3).

Paragraph (g)(1)(v) would be added to establish a performance-based requirement to ensure acceptable fuel performance during long-term cooling. This performance requirement is consistent with the current requirement to ''maintain the calculated core

temperature at an acceptably low value'' located in § 50.46(b)(5).

Paragraph (g)(2) would establish fuel design specific modeling requirements that are needed in addition to the generic ECCS evaluation model requirements in paragraph (d)(2). Paragraph (g)(2)(i) would require consideration of oxygen diffusion from the cladding inside surface. This would be a new ECCS evaluation model requirement.

Paragraph (g)(2)(ii) would be added to include a requirement to evaluate the thermal effects of crud and oxide layers that may have accumulated on the fuel cladding during plant operation.

Paragraphs (h) through (j) would be added to reserve rulemaking space for future amendments to § 50.46c, including any changes that stem from using newly designed fuel and cladding materials.

*H. Section 50.46c(k)—Use of NRC-Approved Fuel in Reactor*

Paragraph (k) would prohibit licensees from loading fuel into a reactor, or operating the reactor, unless the licensee either determines that the fuel meets the requirements in paragraph (d), or complies with technical specifications governing lead test assemblies in its license.

*I. Section 50.46c(l)—Authority To Impose Restrictions on Operation*

Paragraph (l) would provide that the Director of the Office of Nuclear Reactor Regulation or the Director of the Office of New Reactors may impose restrictions on reactor operation if it is found that the evaluations of ECCS cooling performance submitted are not consistent with the requirements of this section. The authority to impose restrictions would be expanded, relative to the authority currently granted in § 50.46(a)(2), to address licenses issued under 10 CFR part 52.

*J. Section 50.46c(m)—Corrective Actions and Reporting*

Paragraph (m) would provide reporting requirements applicable to the ECCS evaluation model and reporting requirements applicable to entities that elect to use the risk-informed alternative to address the effects of debris on long-term cooling. Paragraphs (m)(1) through (m)(3) would apply to all entities subject to § 50.46c; paragraphs (m)(4) would apply to those entities demonstrating acceptable long-term core cooling under the provisions of paragraph (e).

Paragraph (m)(1) would establish required action and reporting requirements if an entity identifies any change to, or error in, an ECCS evaluation model or the application of such a model, or any operation inconsistent with the evaluation model. For clarity, this paragraph was divided into three categories of changes or errors, each with its own proposed actions and reporting. These requirements are unchanged from the current § 50.46(a)(3), with the exception of conforming to analytical limits established in the proposed rule.

Paragraph (m)(1)(i) would establish required action and reporting requirements if an entity identifies any change to, or error in, an ECCS evaluation model or the application of such a model, or any operation inconsistent with the evaluation model, that does not result in any predicted response that exceeds any acceptance criteria and is itself not significant.

Paragraph (m)(1)(ii) would establish required action and reporting requirements if a licensee identifies any change to, or error in, an ECCS evaluation model or the application of such a model, or any operation inconsistent with the evaluation model, that does not result in any predicted response that exceeds any acceptance criteria but is significant (as defined in paragraph (m)(2)).

Paragraph (m)(1)(iii) would establish required action and reporting requirements for an entity who identifies any change to, or error in, an ECCS evaluation model.

Paragraph (m)(1)(iv) would require an amendment to a design certification application reflecting any reanalysis required by paragraph (m)(1)(ii) to be submitted by the applicant in concert with the reanalysis.

Paragraph (m)(2) would be added to provide the definition of a significant change or error. The definition would be expanded, relative to the 50 °F change in calculated peak cladding temperature in § 50.46(a)(3)(i), to include a 0.4 percent ECR change in calculated cladding oxidation.

Paragraph (m)(3) would require the onset of breakaway oxidation to be measured for each reload batch, and would require any changes in the time to the onset of breakaway oxidation to be assessed against the integral time and to be reported annually. This would be a new reporting requirement.

Paragraph (m)(4) would establish required action and reporting requirements for entities choosing to implement the alternative risk-informed approach for addressing the effects of debris on long-term core cooling. Paragraph (m)(4) would specify the evaluation, reporting, and change requirements for the various categories of entities that may elect to use the risk-informed approach.

Paragraph (n) would be added to reserve rulemaking space for future amendments to § 50.46c.

*K. Section 50.46(o)—Implementation*

This section would establish the implementation requirements and schedule for the existing fleet and for new reactors. Paragraph (o)(1) would require construction permits under 10 CFR part 50 issued after the effective date of the rule to comply with the requirements of § 50.46c.

Paragraph (o)(2) would require operating licenses under 10 CFR part 50 based upon construction permits (including deferred and reinstated construction permits) to comply with the requirements of § 50.46c by no later than the time frame established for operating reactors in the implementation table. Until that point, the construction permits identified by this paragraph must comply with § 50.46.

Paragraph (o)(3) would require operating licenses under 10 CFR part 50 issued after the effective date of the rule to comply with the requirements of § 50.46c.

Paragraph (o)(4) would require operating licenses under 10 CFR part 50 (as of the effective date of the rule) to comply with the requirements of § 50.46c by no later than the applicable date set forth in the implementation table for operating reactors.

Paragraph (o)(5) would require standard design certifications, standard design approvals, and manufacturing licenses under 10 CFR part 52, whose applications (including applications for amendment) are docketed after the effective date of the rule (including branches of these certifications whose applications are docketed after the effective date of the rule), to comply with the provisions of the rule. Applicants submitting after the rule has been adopted should have had ample time to develop and receive approval for the analysis methods necessary to comply with the provisions of the rule.

Paragraph (o)(6) would require standard design certifications under 10 CFR part 52 issued before the effective date of the rule to comply no later than the time of renewal of certification. Similar to the requirements of paragraph (o)(5), such applicants will have had ample time necessary to comply with the provisions of the rule.

Paragraph (o)(7) would require standard design certifications, standard design approvals, and manufacturing licenses, along with new branches of certifications under 10 CFR part 52

whose applications are pending as of the effective date of the rule to comply with § 50.46c no later than the time of renewal. Those entities that are in the approval process at the time the rule becomes effective will be required to comply at time of renewal. This will provide ample time to develop and receive approval for the methodologies necessary to comply with the rule. Paragraph (o)(8) would require combined license applications under 10 CFR part 52 that are docketed after the effective date of the rule to comply with the provisions of the rule.

Paragraph (o)(9) would require applications for combined licenses under 10 CFR part 52 that are docketed or issued after the effective date of the rule to comply with § 50.46c no later than completion of the first refueling outage after the initial fuel load. Those entities that are issued combined licenses prior to the effective date of the rule must comply with the rule no later than the first refueling outage after initial fuel load. This affords those entities ample time to develop and submit the necessary methodologies.

Entities that elect to use the voluntary alternative to the long-term cooling requirements of the proposed rule using a risk-informed approach can do so in advance of the date for compliance with the rule. In this case, the entity would have to receive NRC approval on both its risk-informed submittal and the analytical limit for long-term cooling required under § 50.46c(g)(1)(v) prior to using the risk-informed approach.

*L. Appendix K to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR) ECCS Evaluation Models*

In appendix K, a new paragraph II.6 would be added to clarify that, for those entities that have implemented § 50.46c, the requirements for documentation are located within § 50.46c(d)(3).

*M. Redesignation of Venting Requirements in § 50.46a*

This proposed rule would redesignate the current § 50.46a, ''Acceptance criteria for reactor coolant system venting systems,'' as proposed § 50.46b. A new § 50.46a would be added and reserved for future use as the rulemaking to provide a risk-informed alternative to the LOCA technical requirements.

*N. Changes Throughout 10 CFR Parts 50 and 52*

Several administrative changes would be made throughout 10 CFR parts 50 and 52 in order to conform with the proposed rule and proposed redesignation of the venting requirements in current § 50.46a. Section 50.8 would be amended to add the proposed rule to the list of approved information collections. Where §§ 50.34(a)(4), 50.34(b)(4), 52.47(a)(4), 52.79(a)(5), 52.137(a)(4), and 52.157(f)(1) refer to § 50.46, the proposed rule would add ''and § 50.46c, as applicable.'' Where §§ 50.34(a)(4), 52.47(a)(4), 52.79(a)(5), 52.137(a)(4), and 52.157(f)(1) refer to § 50.46a, the proposed rule would instead refer to § 50.46b.

Changes are also made to GDC–35, GDC–38, and GDC–41 in appendix A to 10 CFR part 50 to promulgate the acceptability of using a risk-informed alternative for long-term cooling when demonstrating compliance with these regulations, as allowed by § 50.46c and requested in the application.

## VII. Specific Request for Comments on the Proposed Rule

In addition to the request for general comments on the proposed rule, the NRC also requests specific comments on the following topics:

*A. Fuel Performance Criteria*

NRC Question 1. *Performance-Based Peak Cladding Temperature Limit.* The NRC is proposing, in § 50.46c(g)(1)(i), to maintain the existing prescriptive criterion on PCT for zirconium alloy cladding. Limits on cladding temperature are necessary to protect against a loss of coolable geometry resulting from brittle failure upon quench, to protect against high-temperature ductile failure, and to prevent reaching the point at which the zirconium-water reaction would become autocatalytic. In the original § 50.46 rulemaking, the 2200 °F limit on PCT was based on cladding embrittlement (i.e., protection against brittle failure upon quench), which was determined to be more limiting than either high temperature ductile failure or autocatalytic oxidation. The NRC's LOCA research program did not investigate cladding degradation mechanisms or develop the technical basis for performance-based requirements beyond the existing 2200 °F PCT criterion. Since the cladding embrittlement mechanism, oxygen diffusion, is strongly dependent on temperature, there exists an upper temperature at which the allowable time duration to nil ductility approaches zero (i.e., PCT °limit). As described in Section V.B.1 of this document, recent research has confirmed that 2200 °F remains an appropriate upper limit to protect against cladding embrittlement since nil ductility is achieved rapidly at higher temperature. As such, the proposed § 50.46c maintains the 2200 °F prescriptive PCT criterion.

The NRC requests comment on the proposed rule's retention of the prescriptive PCT criterion, specifically:

a. In place of the prescriptive PCT criterion, should the NRC adopt performance-based requirements for zirconium alloy cladding to protect against high temperature ductile failure and autocatalytic oxidation?

b. Do established testing procedures already exist for demonstrating acceptable high temperature cladding performance and defining acceptance criteria to meet these new performance-based requirements?

NRC Question 2. *Periodic Breakaway Testing.* To address the breakaway oxidation phenomenon, the NRC proposes to add a performance-based requirement in § 50.46c(m)(3) that the licensee measure the onset of breakaway oxidation periodically on manufactured cladding material and report any changes in the onset of breakaway oxidation at least annually. This requirement, along with a periodic test requirement (defined as each reload batch in the proposed rule language), would confirm that slight composition changes or manufacturing changes have not inadvertently altered the cladding's susceptibility to breakaway oxidation. The NRC is considering adopting, as a final rule, a requirement that each licensee measure breakaway oxidation behavior for each re-load batch. The NRC requests specific comment on the type of data reported and the proposed frequency of required testing. The objective of periodic testing is to prevent affected fuel from being loaded into a reactor. At the same time, the objective is to do so without adding ineffective requirements and unnecessary burden. Other sampling approaches may be more effective. For example, should the licensee be required to report data relevant solely to their reload fuel batch or should the licensee be able to report representative data based on periodic testing (e.g., test every 10,000 rods, tubing lot, or ingot) of the same zirconium-based alloy cladding compiled during the period from the last report?

NRC Question 3. *Analytical Long-Term Peak Cladding Temperature Limit.* Section 50.46c(g)(1)(v) of the proposed rule would require that a specified and NRC-approved limit on long-term peak cladding temperature be established which preserves a measure of cladding ductility throughout the period of long-term demonstration (e.g., 30 days). The current regulation at § 50.46(b)(5) stipulates that long-term temperature be maintained ''at an acceptably low

value.'' The proposed rule would define the performance-based metric to judge an acceptably low temperature. The overall goal of preserving ductility would provide reasonable assurance that the fuel rods will maintain their coolable bundle array. The NRC is requesting input regarding this performance objective to determine if this is the most suitable performance-based metric to demonstrate long-term cladding performance.

Alternatively, the proposed rule could establish an analytical limit of long-term fuel rod cladding temperature related to observed corrosion behavior. For example, the Pressurized Water Reactor Owners Group (PWROG) has applied as a long-term core cooling acceptance criterion that the cladding temperature be maintained below 800 °F (see Topical Report (TR) Westinghouse Commercial Atomic Power (WCAP)-16793–NP, Revision 2, ''Evaluation of Long-Term Cooling Considering Particulate, Fibrous and Chemical Debris in the Recirculating Fluid,'' Appendix A (ADAMS Accession No. ML11292A021)). Doing so will ensure that additional corrosion and hydrogen pickup over a 30-day period will not significantly affect cladding properties. The NRC seeks comment on the acceptance criterion for long-term cooling and whether there is justification for a different temperature limit (other than the 800 °F provided in the WCAP).

*B. Risk-Informed Alternative To Address the Effects of Debris*

NRC Question 4. *Acceptance Criteria for Risk-Informed Alternative.* Section 50.46c(e) of the proposed rule contains the high-level acceptance criteria for an alternative that would allow entities to use, on a case-by-case basis, a risk-informed approach to address the effects of debris on long-term core cooling. In addition, the NRC will develop draft regulatory guidance for this provision concurrent with the staff's review of the STPNOC's pilot application for a risk-informed approach to address the closely related topic of GSI–191. The NRC seeks comment on whether the detailed acceptance criteria should be set forth in § 50.46c, or in the associated regulatory guidance.

NRC Question 5. *Regulatory Approach for Risk-Informed Regulation.* The NRC seeks comment on whether the risk-informed alternative offered by this regulation should require meeting numeric-risk acceptance criteria as a matter of compliance (similar to § 50.48c) or whether other risk-informed approaches that use risk-importance insights to establish measurable criteria or performance objectives, such as those in use by §§ 50.62, 50.63, and 50.65, or approaches using both risk importance and numeric-risk acceptance criteria, such as those in use by § 50.69, would be preferable.

NRC Question 6. *Operational Modes Considered in Risk-Informed Alternative.* Deterministic evaluations of GSI–191 are currently required only for those modes of operation where both recirculation from the sump is relied upon and the plant accident can cause high pressure jets that can result in generation and transport of debris to the sump. By contrast, probabilistic evaluations generally consider all modes of operation. The NRC seeks comment on whether the risk-informed approach provided in § 50.46(e) could generically exclude any plant operational modes (e.g., low power or shutdown) from consideration. If so, what are the bases for excluding these operational modes from consideration?

NRC Question 7. *Reporting Criteria for the Risk-Informed Alternative.* The NRC is proposing in § 50.46c(m) corrective actions and reporting criteria specific to the risk-informed approach for addressing the effects of debris on long-term cooling. These criteria are performance-based and similar in concept to the reporting criteria in § 50.69. Per proposed § 50.46c(m), the NRC's approval of the entity's risk-informed application would specify the circumstances under which the licensee or design certification applicant shall notify the NRC of changes or errors in the risk evaluation approach. In addition, the proposed rule would require entities to review the analyses, evaluations, and modeling for changes and errors and incorporate changes to the design, plant, operational practices, and operation experience. The entity would then be required to update the debris evaluation model and the PRA and its supporting analyses, and re-perform the evaluations of risk, defense-in-depth, and safety margins to confirm the acceptance criteria for the risk-informed approach continue to be met. The NRC seeks specific comment on the reporting criteria for the risk-informed approach.

Alternatively, the NRC seeks comment on whether the reporting criteria for the risk-informed approach should be more prescriptive and establish requirements similar to those for the ECCS model (i.e., § 50.46c(m)(1) through (m)(3)). For instance, should the rule establish values for changes in Δ CDF, Δ LERF, defense-in-depth, and safety margins that would trigger specific reporting actions? If so, what values should reporting criteria establish as reporting triggers and what are the bases for selecting those values?

NRC Question 8. *Exemptions Needed to Implement the Risk-Informed Alternative.* One objective of the proposed rule is to allow entities to submit a risk-informed alternative to address the effects of debris on long-term core cooling without the need to submit an exemption request. The NRC identified that, in order to eliminate the need for an exemption, changes may be necessary in GDCs 35, 38, and 41, as provided in the proposed rule. The NRC seeks input on whether conforming changes to other regulations would be necessary or desirable. Such conforming changes may avoid the need for entities wishing to use the risk-informed alternative to request exemptions from those regulations in order to effectively implement the risk-informed alternative. If you believe it is necessary or desirable to provide a conforming change to a regulation in order to avoid an exemption from that regulation, then please identify the specific regulation (and specific regulatory provisions, if applicable) for which a conforming change would be made, either the language of the change or a description of the conforming change's objective, and the reason(s) why an exemption would otherwise be needed if the NRC did not make a conforming change to that regulation.

*C. Implementation*

NRC Question 9. *Staged Implementation.* The NRC is proposing, in § 50.46c(o), a staged implementation plan for the proposed rule. As part of this plan, licensees have been divided among three implementation tracks based upon existing margin to the revised requirements and anticipated level of effort to demonstrate compliance. The NRC requests specific comment on the staged implementation plan, track assignments, or alternative means to implement the requirements of the proposed rule.

NRC Question 10. *New Reactor Implementation.* The NRC is proposing, in § 50.46c(o)(5) through (9), an implementation approach that takes into account design certifications, standard design approvals, manufacturing licenses, and combined licenses and their status in relation to the effective date of the rule. The proposed implementation plan for new reactors would allow applicants for a design certification, standard design approval, and manufacturing license under review at the time of the effective date of the rule to come into compliance with the rule at time of renewal. The holder of a combined license issued prior to the

effective date of the rule would be permitted to operate the plant for one fuel cycle before coming into compliance with the rule. Therefore, the NRC is proposing to recognize that new reactors may operate for the initial fuel cycle with fuel for which the burnup effects being accounted for in the rule would not be a consideration. Applications for design certifications, standard design approvals, manufacturing licenses and combined licenses submitted after the effective date of the rule would be expected to be in compliance with the rule at the time of approval.

The NRC is requesting input regarding this implementation proposal, including suggestions for alternate approaches.

*D. Other Issues*

NRC Question 11. *Re-structuring 10 CFR Chapter I with respect to ECCS Regulations.* The NRC is considering restructuring its ECCS regulations as part of the finalization of this rulemaking due to: (1) Commission direction to include in the proposed rule a provision allowing licensees to use a risk-informed submittal to address the effects of debris during the long-term recovery period; and (2) the potential benefit and efficiency of collocating all ECCS-related requirements within the CFR. As such, the NRC seeks comment on the following potential administrative changes:

- Codify the performance-based ECCS and cladding requirements (as proposed in this document) as a new section, § 50.181.
- Reserve § 50.183 for the potential future risk-informed ECCS requirements rule (currently referred to as the draft final § 50.46a rule).
- Codify the requirements for the risk-informed submittals (proposed as § 50.46c(e) in this proposed rule) to address the effects of debris in the long-term recovery period as a new section, § 50.185.
- Duplicate the content of appendix K to 10 CFR part 50, ECCS evaluation models, and add the content as a new section, § 50.187. (The NRC notes that appendix K to 10 CFR part 50 will remain in place until all licensees have implemented the proposed requirements (i.e., until completion of the proposed staged implementation period).)
- If this restructure is pursued, following the completion of the proposed staged implementation period, the NRC would make the following administrative changes:
  - ○ Remove the current § 50.46, ECCS acceptance criteria, in its entirety.
  - ○ Remove the current appendix K to 10 CFR part 50, in its entirety. (The content will exist as § 50.187.)
  - ○ Redesignate the current § 50.46a, ''Acceptance criteria for reactor coolant system venting systems,'' as § 50.46.

The tables that follow depict the described potential changes:

| Existing NRC requirements and proposed new regulations (bolded rules are currently in effect) | Rulemaking and implementation activities | | |
|---|---|---|---|
| | Initial codification of final performance-based fuel cladding requirements | End of phased implementation period for performance-based fuel cladding requirements | Finalization of risk-informed ECCS requirements (currently referred to as draft final § 50.46a) |
| **§ 50.46 ECCS Acceptance Criteria** | § 50.46 ECCS acceptance criteria *(no change)*. | Removed from 10 CFR Chapter I in its entirety. | Removed from 10 CFR Chapter I in its entirety. |
| **§ 50.46a Reactor Coolant Venting Systems** | NO CHANGE | § 50.46 | § 50.46. |
| Draft final rule: § 50.46a Risk-Informed ECCS Requirements. | See Note 1 | See Note 1 | § 50.183 Risk-informed emergency core cooling system requirements. |
| Performance-based ECCS and cladding requirements *(currently designated in draft proposed rulemaking package as § 50.46c)*. | § 50.181 Emergency core cooling system performance during loss-of-coolant accidents. | *§ 50.181* | § 50.181. |
| Requirements for risk-informed submittals to address effects of debris in the long-term post-quench cooling period *(currently designated in draft proposed rulemaking package as § 50.184)*. | § 50.185 Requirements for risk-informed submittals to address effects of debris in the long-term post-quench cooling period. | § 50.185 Requirements for risk-informed submittals to address effects of debris in the long-term post-quench cooling period. | § 50.185. |
| **Appendix K to 10 CFR part 50: ECCS Evaluation Models**. | Appendix K to 10 CFR part 50: ECCS Evaluation Models. *And* § 50.187 ECCS evaluation models. See Note 2 | § 50.187 ECCS evaluation models. | § 50.187. |

**Note 1:** The staff plans to submit the draft final § 50.46a rulemaking package to the Commission following completion of NTTF Recommendation 1 activities. At this time, it is uncertain whether finalization of the draft final § 50.46a rule would occur before the finalization of the proposed § 50.46c rule.

**Note 2:** Until all licensees have implemented the proposed requirements (i.e., the proposed staged implementation is complete), appendix K to 10 CFR part 50, ''ECCS Evaluation Models,'' and § 50.187, ''ECCS Evaluation Models,'' would coexist.

Should this restructure be pursued, the following table depicts the structure of 10 CFR part 50 after finalization of the § 50.46a Risk-Informed ECCS Requirements and after the proposed staged implementation of the § 50.46c Performance-based ECCS and Cladding Requirements rulemaking is complete:

| Section | Title |
|---|---|
| § 50.46 | Reactor coolant venting systems. |
| § 50.181 | Emergency core cooling system performance during loss-of-coolant accidents (§ 50.46c). |
| § 50.183 | Risk-informed emergency core cooling system requirements (§ 50.46a). |
| § 50.185 | Requirements for risk-informed submittals to address effects of debris in the long-term post-quench cooling period. |

| Section | Title |
|---|---|
| § 50.187 | ECCS evaluation models (appendix K to 10 CFR part 50). |

The NRC acknowledges that such changes could have a large impact on licensees and vendors with regard to procedures, plans, programs, topical reports, and engineering calculations that reference appendix K to 10 CFR part 50 and the current ECCS regulations. In your comments, please include the estimated cost for conforming changes to topical reports, licensing amendments, and other technical documents. Please also comment on whether the anticipated benefits and efficiencies would outweigh the administrative burden, costs, and complexities.

NRC Question 12. *Cumulative Effects of Regulation.* The cumulative effects of regulation (CER) consist of the challenges licensees face in addressing the implementation of new regulatory positions, programs, and requirements (e.g., rulemaking, guidance, generic letters, backfits, inspections). The CER is manifested in several ways, including the total burden imposed on licensees by the NRC from simultaneous or consecutive regulatory actions that can adversely affect the licensee's capability to implement those requirements while continuing to operate or construct its facility in a safe and secure manner. Consistent with SECY–11–0032, ''Consideration of the Cumulative Effects of Regulation in the Rulemaking Process,'' dated March 2, 2011 (ADAMS Accession No. ML110190027), the NRC is requesting comments on CER with respect to this proposed rulemaking. The NRC's consideration of CER will be based, in part, on the NRC's confirmation of the safe operation for each operating reactor, as described in Section III, ''Operating Plant Safety,'' of this document.

During the development of this proposed rulemaking, the NRC engaged external stakeholders through multiple public meetings, an ANPR, and solicitation of public comments. Additionally, the proposed rule would establish a staged implementation plan, which would reduce the overall implementation burden on licensees.

With regard to CER, the NRC requests specific comment on the proposed rule's implementation schedule in light of any existing CER challenges, specifically:

a. Do the proposed rule's effective date, compliance date, and submittal dates provide sufficient time to implement the new proposed requirements, including changes to programs, procedures, and the facility, in light of any ongoing CER challenges?

b. If there are ongoing CER challenges, what do you suggest as a means to address this situation (e.g., if more time is required for implementation of the new requirements, what time period is sufficient)?

c. Are there unintended consequences (e.g., does the proposed rule create conditions that would be contrary to the proposed rule's purpose and objectives)? If so, what are the unintended consequences?

d. Please comment on the NRC's cost and benefit estimates in the proposed rule regulatory analysis (ADAMS Accession No. ML12283A188). Specifically, please comment on the vendor hydrogen uptake and LOCA model costs, costs of PQD and breakaway testing, and licensee analysis costs.

## VIII. Request for Comment: Draft Regulatory Guidance

The NRC is seeking public comment on three regulatory guides: DG–1261, ''Conducting Periodic Testing for Breakaway Oxidation Behavior'' (ADAMS Accession No. ML12284A324); DG–1262, ''Testing for Post Quench Ductility'' (ADAMS Accession No. ML12284A325); and DG–1263, ''Establishing Analytical Limits for Zirconium-Based Alloy Cladding'' (ADAMS Accession No. ML12284A323). You can access these documents as described in Section IX, ''Availability of Documents,'' of this document, or online at *http://www.nrc.gov/reading-rm/doc-collections/.*

The proposed rule would add the requirement (*see* § 50.46c(g)(1)(iii)) to measure the onset of breakaway oxidation for a zirconium cladding alloy based on an acceptable experimental technique. The proposed rule also calls for the evaluation of the measurement relative to emergency core cooling system performance (*see* § 50.46c(g)(1)(iii)), and periodic testing and reporting of the values measured (*see* § 50.46c(m)(3)). The DG–1261 describes an experimental technique acceptable to the NRC staff to measure the onset of breakaway oxidation in order to support a specified and acceptable limit on the total accumulated time that a cladding may remain at high temperature, as well as a method acceptable to the NRC to implement the periodic testing and reporting requirements in the proposed rule.

The proposed rule would also require licensees to establish analytical limits on peak cladding temperature and time at elevated temperature corresponding to the measured ductile-to-brittle transition for the zirconium-alloy cladding material (*see* § 50.46c(g)(1)(i) and (ii)). The DG–1262 describes an experimental technique that is acceptable to the NRC for measuring the ductile-to-brittle transition for a zirconium-based cladding alloy. The DG–1263 provides a method of using experimental data to establish regulatory limits.

You may submit comments on the draft regulatory guides as indicated in the **ADDRESSES** section of this document.

## IX. Availability of Documents

The NRC is making the documents identified in the following table available to interested persons through one or more of the methods provided in the **ADDRESSES** section of this document:

| Document | PDR | ADAMS | Web |
|---|---|---|---|
| SECY–98–300 ''Options for Risk-Informed Revisions to 10 CFR part 50—Domestic Licensing of Production and Utilization Facilities,'' dated December 23, 1998 | X | ML992870048 | ..... |
| Petition for Rulemaking submitted by David J. Modeen on behalf of the Nuclear Energy Institute requesting amendment of 10 CFR 50.44 and 50.46 | X | ML003723791 | ..... |
| *Federal Register* Notice (65 FR 34599), ''Petition for Rulemaking filed by David J. Modeen, Nuclear Energy Institute; Consideration of Petition in the Rulemaking Process'' | X | ML081780439 | X |
| SRM–SECY–02–0057, ''Update to SECY–01–0133, 'Fourth Status Report on Study of Risk-Informed Changes to the Technical Requirements of 10 CFR part 50 (Option 3) and Recommendations on Risk-Informed Changes to 10 CFR 50.46 (ECCS Acceptance Criteria),'' dated March 31, 2003 | X | ML030910476 | X |

| Document | PDR | ADAMS | Web |
|---|---|---|---|
| Petition for Rulemaking submitted by Mark Edward Leyse re addressing corrosion of fuel cladding surfaces and a change in the calculations for a loss-of-coolant accident | X | ML070871368 | X |
| *Federal Register* Notice (72 FR 28902), ''Mark Edward Leyse; Receipt of Petition for Rulemaking'' | X | ML071290466 | X |
| *Federal Register* Notice (73 FR 71564), ''Mark Edward Leyse; Consideration of Petition in Rulemaking Process'' | X | ML082240164 | X |
| NUREG/CR–6967, ''Cladding Embrittlement During Postulated Loss-of-Coolant Accidents'' | X | ML082130389 | X |
| Research Information Letter (RIL)-0801, ''Technical Basis for Revision of Embrittlement Criteria in 10 CFR 50.46'' | X | ML081350225 | X |
| Summary of September 24, 2008, Public Workshop on Technical Basis | X | ML083010496 | ..... |
| GL–1985–022, ''Potential for Loss of Post-LOCA Recirculation Capability Due to Insulation Debris Blockage,'' dated December 3, 1985 | X | ML031150731 | ..... |
| RG 1.82, ''Sumps for Emergency Core Cooling and Containment Spray Systems, Revision 0,'' dated June 1974 | X | ML111680318 | ..... |
| Bulletin 95–02, ''Unexpected Clogging of a Residual Heat Removal Pump Strainer While Operating in Suppression Pool Cooling Mode,'' dated October 7, 1995 | X | ML082490807 | ..... |
| Bulletin 96–03, ''Potential Plugging of Emergency Core Cooling Suction Strainers by Debris in Boiling Water Reactors,'' dated May 6, 1996 | X | ML082401219 | ..... |
| Completion of Staff Reviews of NRC Bulletin 96–03, ''Potential Plugging of Emergency Core Cooling Suction Strainers by Debris in Boiling-Water Reactors,'' and NRC Bulletin 95–02, ''Unexpected Clogging of a Residual Heat Removal (RHR) Pump Strainer While Operating in Suppression Pool Cooling Mode,'' dated October 18, 2001 | X | ML012970229 | ..... |
| Bulletin 2003–01, ''Potential Impact of Debris Blockage on Emergency Sump Recirculation at Pressurized Water Reactors,'' dated June 9, 2003 | X | ML031600259 | ..... |
| GL 2004–02, ''Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized Water Reactors,'' dated September 13, 2004 | X | ML042360586 | ..... |
| SECY–10–0113, ''Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized Water Reactor Sump Performance,'' dated August 26, 2010 | X | ML101820296 | ..... |
| SRM–SECY–10–0113, dated December 23, 2010 | X | ML103570354 | ..... |
| SECY–12–0093, ''Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized Water Reactor Sump Performance,'' dated July 9, 2012 | X | ML121320270 | ..... |
| SRM–SECY–12–0093, dated December 14, 2012 | X | ML12349A378 | ..... |
| RG 1.174, Revision 2, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes in the Licensing basis,'' dated May 2011 | X | ML100910006 | ..... |
| RG 1.200, ''An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,'' dated March 2009 | X | ML090410014 | ..... |
| Plant Safety Assessment of RIL 0801 | X | ML090340073 | ..... |
| *Federal Register* Notice (73 FR 44778), ''Notice of Availability and Solicitation of Public Comments on Documents Under Consideration to Establish the Technical Basis for New Performance-Based Emergency Core Cooling System Requirements'' | ..... | ..... | X |
| Supplemental research material—additional PQD tests | X | ML090690711 | ..... |
| Supplemental research material—additional breakaway testing | X | ML090700193 | ..... |
| Draft proposed procedure for Conducting Oxidation and Post-Quench Ductility Tests with Zirconium-Based Alloys | X | ML090900841 | X |
| Draft proposed procedure for Conducting Breakaway Oxidation Tests with Zirconium-based cladding alloys | X | ML090840258 | X |
| Update on Breakaway Oxidation of Westinghouse ZIRLO™ Cladding | X | ML091330334 | X |
| Impact of Speciment Preparation of Breakaway Oxidation of Westinghouse ZIRLO™ Cladding | X | ML091350581 | X |
| Advance Notice of Proposed Rulemaking, published on August 13, 2009 (74 FR 40765) | X | ML091250132 | X |
| Summary of April 28–29, 2010, Public Meeting on ANPR | X | ML101300490 | ..... |
| SRM–SECY–12–0034, ''Proposed Rulemaking—10 CFR 50.46c: Emergency Core Cooling System Performance During Loss of Coolant Accidents (RIN 3150–AH42)'' | X | ML13007A478 | X |
| TR WCAP 16793–NP, Revision 2, ''Evaluation of Long-Term Cooling Considering Particulate, Fibrous, and Chemical Debris in the Recirculating Fluid,'' Appendix A | X | ML11292A021 | ..... |
| PWROG ECCS Analysis Report | X | ML11139A309 | ..... |
| BWROG ECCS Analysis Report | X | ML111950139 | ..... |
| ECCS Audit Report | X | ML12041A078 | ..... |
| Supplement to RIL–0801, ''Technical Basis for Revision of Embrittlement Criteria in 10 CFR 50.46'' | X | ML113050484 | ..... |
| NUREG–2119, ''Mechanical Behavior of Ballooned and Ruptured Cladding'' | X | ML12048A475 | X |
| § 50.46c and PRM–50–71 Comment Response Document | X | ML12283A213 | ..... |
| Regulatory Analysis | X | ML12283A188 | ..... |
| Proposed Rule Information Collection Analysis | X | ML112520328 | ..... |
| Draft Regulatory Guide 1261, ''Conducting Periodic Testing for Breakaway Oxidation Behavior'' | X | ML12284A324 | ..... |
| Draft Regulatory Guide 1262, ''Testing for Post Quench Ductility'' | X | ML12284A325 | ..... |
| Draft Regulatory Guide 1263, ''Establishing Analytical Limits for Zirconium-Based Alloy Cladding'' | X | ML12284A323 | ..... |
| Request to Withdraw 50.46a from Commission Consideration | X | ML121500380 | ..... |
| Staff Requirements—SECY–10–0161—Final Rule: Risk-Informed Changes to Loss-of-Coolant Accident Technical Requirements (10 CFR 50.46a) (RIN 3150–AH29) | X | ML12117A121 | ..... |

## X. Criminal Penalties

For the purposes of Section 223 of the Atomic Energy Act of 1954, as amended (AEA), the NRC is issuing the proposed rule to amend §§ 50.8, 50.34, 50.46a, 50.46c, appendix A to 10 CFR part 50, appendix K to 10 CFR part 50, and §§ 52.47, 52.79, 52.137, and 52.157 under one or more sections of 161b, 161i, or 161o of the AEA. Willful violations of the rule would be subject to criminal enforcement. Criminal penalties, as they apply to regulations in 10 CFR part 50, are discussed in § 50.111.

## XI. Agreement State Compatibility

Under the Policy Statement on Adequacy and Compatibility of Agreement States Programs, approved by the Commission on June 20, 1997, and published in the *Federal Register* (62 FR 46517; September 3, 1997), this rule is classified as compatibility category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the AEA or the provisions of Title 10 of the CFR, and although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

## XII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. Although regulations are exempt under the act, the NRC is applying the same principles to its rulemaking documents. Therefore, the NRC has written this document, including the proposed new and amended rule language, to be consistent with the Plain Writing Act. In addition, where existing rule language must be changed, the NRC has rewritten that language to improve its organization and readability. The NRC requests comment on the proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the NRC as explained in the **ADDRESSES** section of this document.

## XIII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or is otherwise impractical. The NRC is not aware of any voluntary consensus standard that could be used as an alternative to the proposed Government-unique standard in the proposed rule, in order to determine the acceptability of emergency core cooling systems and fuel assemblies for nuclear power reactors. The NRC will consider using a voluntary consensus standard if an appropriate standard is identified.

## XIV. Finding of No Significant Environmental Impact: Environmental Assessment

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. Further, initial implementation of these proposed amendments would require licensees, in some cases, to submit an additional license amendment. The NRC's consideration of these license amendments would each contain an environmental assessment of the proposed licensee-specific action. The basis for this determination is as follows:

### *Identification of the Action*

The proposed action is the amendment of 10 CFR part 50 by adding a new § 50.46c which would contain the NRC's requirements for ECCSs for LWRs (that are currently contained in § 50.46). The proposed amendment would establish performance-based requirements and also account for the new research information, as discussed in Section II, ''Background,'' of this document. This research identified previously unknown embrittlement mechanisms. The research indicated that the current combination of peak cladding temperature (2200 °F (1204 °C)) and local cladding oxidation criteria do not always ensure PQD. Further, the proposed amendment would expand the applicability of § 50.46 to all fuel design and fuel cladding materials. In addition, this proposed rule would address the issues raised in two PRMs (docketed as PRM–50–71 and PRM–50–84). The proposed rule would also contain a provision that would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris for long-term cooling.

### *The Need for Action*

The proposed action is needed in response to recent research into the behavior of fuel cladding under LOCA conditions. This research, as discussed in Section II, ''Background,'' of this document, indicated that the current combination of peak cladding temperature (2200 °F (1204 °C)) and local cladding oxidation criteria do not always ensure PQD. The research also identified previously unknown embrittlement mechanisms. The proposed action would replace the limits on peak cladding temperature and local oxidation with specific cladding performance requirements and acceptance criteria that ensure that an adequate level of cladding ductility is maintained throughout the postulated LOCA.

The proposal to expand applicability to all light-water nuclear power reactors, regardless of fuel design or cladding material used, will allow for the development and use of cladding materials other than zircaloy and ZIRLO™. Under the current § 50.46, licensees that use different types of cladding material are required to request NRC approval for an exemption from the rule, in accordance with § 50.12.

The proposed rule would require licensees to take into account the deposition of crud on the fuel cladding during plant operation. This change addresses PRM–50–84.

The NRC identified the need for an approach that would allow entities to address the effects of debris on long-term cooling in a manner that would be more timely and cost-effective than the current use of deterministic methods.

### *Environmental Impacts of the Proposed Action*

This environmental assessment focuses on those aspects of the proposed rulemaking through which the revised requirements could potentially affect the environment. The NRC has concluded that there will be no significant radiological environmental impacts associated with the implementation of the proposed rule requirements for the following reasons:

(1) The proposed amendments to the ECCS requirements of § 50.46 are unrelated to the integrity of reactor coolant system piping whose sudden failure would initiate a LOCA. Therefore, the proposed rule does not affect the probability of an accident.

(2) The proposed amendments to the 10 CFR part 50 ECCS requirements are

unrelated to the physical make-up of the systems, structures, and components that mitigate the consequences of a LOCA. These proposed amendments, if approved, would revise and expand the performance requirements for which the ECCS response is judged. With these enhancements, the reactor core would remain coolable because, by addressing previously unknown degradation mechanisms, cladding ductility would be preserved following a postulated LOCA. Therefore, the consequences of a postulated LOCA are not adversely changed by the proposed rule.

(3) The proposed amendments to the 10 CFR part 50 ECCS requirements would not impact a facility's release of radiological effluents during and following a postulated LOCA. Therefore, the rule does not affect the amount of effluent released as a result of a possible accident.

(4) The proposed rule would allow entities to address the effects of debris on long-term cooling using a risk-informed approach. The effects of debris are currently addressed using deterministic methods. Any change in CDF and LERF allowed by a risk-informed approach would be small and within criteria already established in RG 1.174, Revision 2, for making risk-informed changes to plant licensing bases.

This proposed rulemaking would amend calculated ECCS evaluation models used to assess the emergency core cooling system's response to a postulated LOCA. The rulemaking would not affect any other procedures used to operate the plant, nor alter the plant's geometry or construction. Further, the proposed amendments would ensure post quench ductility and core coolability following a postulated LOCA, and as such, would not affect the dose to any plant workers following postulated accidents. Similarly, dose to any individual member of the public would not be affected.

For the reasons discussed, the action will not significantly increase the probability or consequences of accidents, nor result in changes being made in the types of any effluents that may be released off-site, and there would be no increase in occupational or public radiation exposure.

With regard to potential nonradiological impacts, the proposed rule would have no significant impact on the environment. The proposed rule to revise and expand the ECCS performance requirements would be applied by an NRC nuclear reactor power plant licensee to the restricted area of its facility only, and in many cases would not result in any physical changes to the plant. Restricted areas of nuclear power plants are industrial portions of the facility constructed upon previously disturbed land, to which access is limited to authorized personnel. As such, it is extremely unlikely that the proposed amendments, if approved, would create any significant impact on any aquatic or terrestrial habitat in the vicinity of the plant, or to any threatened, endangered, or protected species under the Endangered Species Act, or have any impacts to essential fish habitat covered by the Magnuson-Stevens Act. Similarly, it is extremely unlikely that there will be any impacts to socioeconomic, or to historic properties and cultural resources. Therefore, there would be no significant nonradiological environmental impacts associated with the proposed action.

Licensee compliance with the proposed amendments would require an additional license amendment. A National Environmental Policy Act analysis would be conducted for each licensee-specific license amendment review.

*Alternatives to the Proposed Action*

As an alternative to the rulemakings previously described, the NRC considered not taking the action (i.e., the ''no-action'' alternative). Not revising the ECCS cladding acceptance criteria could result in instances, following a LOCA, in which cladding ductility is not guaranteed to be maintained. Under the no action alternative, licensees will continue to submit exemption requests for NRC approval of fuel cladding other than zircaloy or ZIRLO™.

The NRC does not find this alternative acceptable to preserving public health and safety. The revised requirements are necessary because recent research has indicated that the current PCT and oxidation restrictions do not take into consideration newly discovered cladding embrittlement mechanisms, and that the current restrictions may not always be adequate to ensure post quench ductility of fuel cladding. The revised requirements ensure post quench ductility and core coolability following a postulated LOCA.

The proposed rule would allow entities to use a risk-informed approach to address the effects of debris for long-term cooling. An alternative to addressing debris using this risk-informed approach is to continue to address the effects of debris using deterministic methods and approved models, as described in SECY–12–0093, ''Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized-Water Reactor Sump Performance,'' dated July 9, 2012 (ADAMS Accession No. ML121310648). However, the NRC has added the alternative approach to provide entities the additional flexibility to address the effects of debris on long-term cooling using risk-informed methodologies, which may be implemented in a more timely and cost-efficient manner.

*Alternative Use of Resources*

This action would not involve the use of any resources not previously considered by the NRC in its past environmental statements for issuance of operating licenses for the facilities that would be affected by this action.

*Agencies and Persons Consulted*

The NRC staff developed the proposed rule and this environmental assessment. In accordance with its stated policy, the NRC provided a copy of the proposed rule and the environmental assessment to designated State Liaison Officers and requested their comments. No other agencies were consulted.

There appears to be no significant impact to human health or the environment from implementation of the proposed action. However, the general public should note that the NRC is seeking public participation. Comments on any aspect of the environmental assessment may be submitted to the NRC via email to *Rulemaking.Comments@nrc.gov* or via mail to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

## XV. Paperwork Reduction Act Statement

This proposed rule contains new or amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the information collection requirements.

*Type of submission, new or revision:* Revision.

*The title of the information collection:* 10 CFR 50.46c, Emergency Core Cooling System Performance During Loss-of-Coolant Accidents.

*The form number if applicable:* Not applicable.

*How often the collection is required:* LOCA model updates, Licensee Amendment Requests, and compliance letters will be submitted one time during implementation; significant errors will be reported on occasion

(within 30 days); other errors or changes in analysis will be reported annually.

*Who will be required or asked to report:* Fuel design vendors, all operating reactors, all applicants for or holders of construction permits, each applicant for an operating license, each applicant for or holder of a combined license, each applicant for a standard design certification, each applicant for a standard design approval, and each applicant for a manufacturing license.

*An estimate of the number of annual responses:* 290.

*The estimated number of annual respondents:* 70 during the first 3 years of implementation; a total of 111 will be impacted by the rule.

*An estimate of the total number of hours needed annually to complete the requirement or request:* 61,131 hours (an increase of 61,891 hours reporting and a decrease of 760 hours recordkeeping resulting from eliminating the need for exemptions).

*Abstract:* The NRC is proposing to amend its regulations to revise the acceptance criteria for the emergency core cooling system for light-water nuclear power reactors as currently required by 10 CFR part 50. The rule would establish a 5-year staged implementation approach to improve the efficiency and effectiveness of the migration to the new ECCS requirements. The vendors would also propose post-quench ductility limits by either selecting analytical limits provided in Figure 2 of draft regulatory guide DG–1263, ''Establishing Analytical Limits for Zirconium-Based Alloy Cladding,'' using an NRC-approved experimental approach to obtain the post-quench ductility limits, or using an experimental approach developed by the vendor to obtain the post-quench ductility limits. Those ductility limits which are developed via an experimental method would be submitted to the NRC via a topical report for NRC approval. The DG–1262, ''Testing for Post Quench Ductility,'' provides guidance on an acceptable testing approach for developing post-quench ductility. The DG–1263 provides a methodology for using test results, generated from DG–1262 or an alternate NRC-approved experimental approach, to establish and support a new cladding-specific analytical limit. The vendors would also obtain post-quench ductility analytical methods by either selecting analytical limits provided in a regulatory guide, using an NRC-approved experimental approach, or using an experimental approach developed by the vendor. Those PQD limits developed via an experimental method would be submitted to the NRC via a topical report. The vendors would also perform long-term cooling tests to determine the long-term cooling limits for each of the nine cladding alloys. In addition, vendors would perform initial breakaway testing. The licensees would report the initial breakaway results to the NRC via their license amendment request. Those licensees that meet the new requirements without new analyses or model revisions would complete any necessary engineering calculations, update their plant UFSAR, and provide a letter report to the NRC documenting compliance. Those licensees that would require new analyses or model revisions to demonstrate compliance would be required to submit a new LOCA analysis of record. The rule would also require licensees to conduct periodic breakaway testing, and include those results in the yearly ECCS report. Lastly, the rule would add a requirement to report errors in ECR to the NRC. This would be submitted within the same yearly ECCS report.

The rule would include a provision allowing entities to use an alternative risk-informed approach to evaluate the effects of debris for long-term cooling. If an entity voluntarily chooses to use this approach, they would need to submit an application for NRC review and approval, report all errors and changes in their plant-specific PRA, and conduct periodic updates to their PRA.

The NRC is seeking public comment on the potential impact of the information collections contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?

2. Is the estimate of burden 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?

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, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, Maryland 20852. The OMB clearance requests are available on the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC's Web site for 30 days after the signature date of this document.

Send comments on any aspect of these proposed information collections, including suggestions for reducing the burden and on the above issues, by May 23, 2014 to the FOIA, Privacy, and Information Collections Branch (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by email to *INFOCOLLECTS.RESOURCE@NRC.GOV* and to the Desk Officer, Chad Whiteman, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0011), Office of Management and Budget, Washington, DC 20503. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Comments can also be emailed to *Chad_S_Whiteman@omb.eop.gov* or submitted by telephone at 202–395–4718.

*Public Protection Notification*

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

## XVI. Regulatory Analysis: Availability

The NRC has prepared a draft regulatory analysis on this proposed regulation (ADAMS Accession No. ML12283A188). The analysis examines the costs and benefits of the alternatives considered by the Commission. The NRC requests public comments on the draft regulatory analysis.

Availability of the draft regulatory analysis is indicated in Section IX of this document. Comments on the draft regulatory analysis may be submitted to the NRC by any method provided in the **ADDRESSES** section of this document.

## XVII. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects light water nuclear power reactors. None of the companies that own and operate these facilities falls within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

## XVIII. Backfitting and Issue Finality

*Proposed § 50.46c Rule*

The proposed rule would be applicable to all existing and future nuclear power plant designs, regardless of fuel design or cladding material, but the time by which compliance must be achieved would vary as described in the proposed rule. The proposed rule, if finalized, would replace existing ECCS requirements in § 50.46. The proposed rule would provide an option (''voluntary alternative'') to address consideration of the effects of debris on long-term cooling (following a LOCA) using a risk-informed approach, and to use the same risk-informed approach for consideration of debris with respect to long-term cooling to demonstrate compliance with GDC–35, GDC–38, and GDC–41 in appendix A to 10 CFR part 50. The proposed rule, if finalized, would apply to and be imposed on (''apply to'') all current nuclear power plant licensees (including holders of renewed licenses and combined licenses under 10 CFR part 52). The proposed rule, if finalized, would also apply to current and future applicants for combined licenses under 10 CFR part 52, including those applicants referencing one of the existing standard design certification rules in appendices A through D to 10 CFR part 52. The proposed rule would also apply to all current and future applicants for LWR standard design certification rules under 10 CFR part 52. The proposed rule, if finalized, would not apply to the existing four design certifications in appendices A through D to 10 CFR part 52 until their renewal. Finally, the proposed rule would apply to all future applicants for manufacturing licenses under 10 CFR part 52 (there are no current applicants or holders of manufacturing licenses).

Each of these classes of licenses and regulatory approvals is discussed in the following sections.

*Operating Licenses*

With respect to current nuclear power plant licensees, the NRC assumes that imposition of the proposed rule would constitute backfitting as defined in § 50.109(a)(1). However, the NRC believes that the proposed rule must be imposed upon current nuclear power plant licensees in order to ensure adequate protection to the public health and safety. The proposed rule will ensure that the level of protection intended to be achieved by the current rule is maintained. Therefore, the NRC has determined that the proposed rule is necessary to ensure that the facility provides adequate protection to the health and safety of the public, and that a backfit analysis as described in § 50.109(a)(3) and (b) need not be prepared, under the exception in § 50.109(a)(4)(ii).

Imposing the redefinition of fuel cladding acceptance criteria on current nuclear power plant licensees is justified under the provisions of § 50.109(a)(4)(ii) as the requirements of the proposed rule are necessary to ensure adequate protection to the public health and safety by maintaining that level of protection (i.e., reasonable assurance of adequate protection) which the NRC previously thought would be achieved (throughout the entire term of licensed operation) by the current rule.

Information developed through the NRC's high burnup fuel research program has identified that the current criterion for preventing fuel cladding embrittlement may not be adequate in the future to ensure the health and safety of the public. As discussed in Sections II and V of this document, zirconium-based alloy fuel cladding materials may be subject to embrittlement at a lower combination of temperature and level of oxygen absorption (17 percent) than currently allowed under § 50.46(b)(1) due to absorption of hydrogen during normal operation. The proposed rule would correct those limits initially established to prevent embrittlement of zirconium-based alloy cladding material based on the new research information. In addition, the research work has identified new phenomena, such as breakaway oxidation and oxygen diffusion from the cladding inside surfaces, which are believed to further adversely affect the fuel cladding embrittlement process. Therefore, PQD (which is necessary to ensure coolable core geometry) [3] is not guaranteed following a postulated LOCA. The proposed rule would establish new requirements for zirconium-based alloys to prevent breakaway oxidation and account for oxygen diffusion from the oxide fuel pellet during the operating life of the fuel. In sum, the NRC believes that imposing the requirements of the proposed rule is necessary to prevent embrittlement of fuel cladding and to ensure that the rule maintains reasonable assurance of adequate protection to public health and safety.

The proposed rule includes the option of allowing an applicant or licensee to address the effects of debris on long-term cooling with respect to ECCS performance requirements in § 50.46c and GDC–35 using a risk-informed approach. Inasmuch as this is a voluntary alternative to existing requirements as well the proposed requirements on ECCS, the inclusion of this option in the proposed rule is not backfitting or inconsistent with issue finality provisions in 10 CFR part 52. The proposed rule would also allow applicants and licensees who select the option of using the risk-informed approach for addressing the effects of debris on long-term cooling, to also use the same approach in demonstrating compliance with GDC–38 and GDC–41. Because this is a voluntary alternative with respect to a portion of the existing requirements in GDC–38 and GDC–41, inclusion of this option in the proposed rule is not backfitting as defined in § 50.109(a)(1).

*Combined License Holders as of the Date of a Final § 50.46c Rule*

Currently, there are two holders of combined licenses for the Vogtle and Summer facilities, each referencing the AP1000 standard design certification rule. In addition, there may be other combined licenses issued referencing one or more of the standard design certification rules approved in the appendices to 10 CFR part 52, by the time that a final § 50.46c rule is issued by the NRC. Imposing the requirements of the proposed rule on current holders of combined licenses as of the date of a final § 50.46c rule would represent an inconsistency with the general issue finality provision applicable to standard design certifications in § 52.63, the issue finality provision included in each design certification rule at Section VI, ''Issue Resolution,'' of this document, and the issue finality provisions applicable to combined licenses in §§ 52.83 and 52.98.

Therefore, the NRC has addressed the criteria in those provisions that would allow imposition of the proposed rule on current holders of combined licenses despite the issue finality accorded to the combined license holders. The NRC believes that the proposed rule may be imposed as a change needed to provide reasonable assurance of adequate protection. The key differences between the existing ECCS requirements and the proposed rules are in the areas of embrittlement. The bases for this adequate protection determination are presented in this document in Section

[3] The Commission concluded, as part of the 1973 Emergency Core Cooling System rulemaking, that retention of ductility in the zircaloy cladding material was determined to be the best guarantee of its remaining intact during the hypothetical loss-of-coolant accident, thereby maintaining a coolable core geometry. *See Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Reactors,* CLI–73–39, *at page 1098* (December 28, 1973).

II, ''Background;'' Section III, ''Operating Plant Safety;'' and Section V, ''Proposed Requirements for ECCS Performance during LOCAs.'' Therefore, the NRC believes that the NRC has met the requirements in the applicable issue finality provisions for not according issue finality to the subject of ECCS performance under § 50.46 and GDC–35.

The proposed rule includes the option of allowing a combined license holder (such as the holders of the Vogtle and Summer combined licenses) to address the effects of debris on long-term cooling with respect to ECCS performance requirements in § 50.46c and GDC–35 using a risk-informed approach. Inasmuch as this is a voluntary alternative to existing requirements as well as the proposed requirements on ECCS, the inclusion of this option in the proposed rule is not backfitting or inconsistent with issue finality provisions in 10 CFR part 52. The proposed rule would also allow combined license applicants and holders who select the option of using the risk-informed approach for addressing the effects of debris on long-term cooling, to also use the same approach in demonstrating compliance with GDC–38 and GDC–41. Because this is a voluntary alternative with respect to a portion of the existing requirements in GDC–38 and GDC–41, inclusion of this option in the proposed rule is not backfitting or inconsistent with the issue finality provisions in 10 CFR part 52.

*Combined License Applicants*

Imposing the requirements of the proposed rule on current and future applicants for combined licenses under subpart C of 10 CFR part 52 would not constitute backfitting. Neither the Backfit Rule nor the finality provisions for combined licenses in §§ 52.83 or 52.98 protect either a current or prospective applicant for a combined license from changes in the NRC rules and regulations. The NRC has long adopted the position that the Backfit Rule does not protect current or prospective applicants from changes in NRC requirements or guidance because the policies underlying the Backfit Rule are largely inapplicable in the context of a current or future application. This position also applies to each of the issue finality provisions in 10 CFR part 52.

The proposed rule includes the option of allowing a combined license applicant to address the effects of debris on long-term cooling with respect to ECCS performance requirements in § 50.46c and GDC–35 using a risk-informed approach. Inasmuch as this is a voluntary alternative to existing requirements as well as the proposed requirements on ECCS, the inclusion of this option in the proposed rule is not inconsistent with any applicable issue finality provision in 10 CFR part 52. The proposed rule would also allow combined license applicants who select the option of using the risk-informed approach for addressing the effects of debris on long-term cooling, to also use the same approach in demonstrating compliance with GDC–38 and GDC–41. Because this is a voluntary alternative with respect to a portion of the existing requirements in GDC–38 and GDC–41, inclusion of this option in the proposed rule is not inconsistent with any applicable issue finality provision in 10 CFR part 52.

*Standard Design Certifications*

The requirements of the proposed rule would not apply to any of the four existing standard design certification rules in appendices A through D to 10 CFR part 52 during the period in which they may be referenced. However, inasmuch as the proposed rule would also require any combined license applicant and holder referencing a design certification to comply with the § 50.46c rule, this would effectively constitute an inconsistency with the general issue finality provision applicable to standard design certifications in § 52.63, and the issue finality provision included in each design certification rule at Section VI, ''Issue Resolution,'' of this document. Therefore, the NRC has addressed the criteria in those provisions that would allow imposition of the proposed rule on entities referencing the standard design certification rule despite the issue finality accorded by § 52.63 and Section VI of this document of each of the four existing standard design certification rules.

The NRC believes that the proposed rule may be imposed as a change needed to provide reasonable assurance of adequate protection. The key differences between the existing ECCS requirements and the proposed rules are in the areas of embrittlement. The bases for this adequate protection determination are presented in this document in Section II, ''Background;'' Section III, ''Operating Plant Safety;'' and Section V, ''Proposed Requirements for ECCS Performance during LOCAs.'' Therefore, the NRC believes that the NRC has met the requirements in the applicable issue finality provisions for not according issue finality to the subject of ECCS performance under § 50.46 and GDC–35.

The requirements of the proposed rule would apply to the four existing standard design certification rules in 10 CFR part 52, appendices A through D at the time of their renewal. The NRC believes that the proposed rule may be imposed as a change needed to provide reasonable assurance of adequate protection. The bases for this adequate protection determination are presented in this document in Section II, ''Background;'' Section III, ''Operating Plant Safety;'' and Section V, ''Proposed Requirements for ECCS Performance during LOCAs.'' Therefore, the new requirements may be imposed at renewal in accordance with § 51.51(b)(1).

The proposed rule includes the option of allowing a design certification applicant (including applicants after the NRC has issued a final design certification rule) to address the effects of debris on long-term cooling with respect to ECCS performance requirements in § 50.46c and GDC–35 using a risk-informed approach. Inasmuch as this is a voluntary alternative to existing requirements as well as the proposed requirements on ECCS, the inclusion of this option in the proposed rule is not inconsistent with any applicable issue finality provisions. The proposed rule would also allow a design certification applicant who selects the option of using the risk-informed approach for addressing the effects of debris on long-term cooling, to also use the same approach in demonstrating compliance with GDC–38 and GDC–41. Because this is a voluntary alternative with respect to a portion of the existing requirements in GDC–38 and GDC–41, inclusion of this option in the proposed rule is not inconsistent with any applicable issue finality provision.

Imposing the requirements of the proposed rule on current and future applicants for standard design certification rules would not constitute backfitting. Neither the Backfit Rule nor the finality provisions for final design certification rules in § 52.63 protect either a current or prospective applicant for a standard design certification rule from changes in the NRC rules and regulations.

*Manufacturing Licenses*

Imposing the requirements of the proposed rule on future applicants for manufacturing licenses would not constitute backfitting. The NRC has not issued any manufacturing licenses under 10 CFR part 52, and neither the Backfit Rule nor the finality provisions for manufacturing licenses in § 52.171 protect a prospective manufacturing applicant from changes in the NRC rules and regulations.

The proposed rule includes the option of allowing a manufacturing license applicant or holder to address the effects of debris on long-term cooling with respect to ECCS performance requirements in § 50.46c and GDC–35 using a risk-informed approach. Inasmuch as this is a voluntary alternative to existing requirements as well as the proposed requirements on ECCS, the inclusion of this option in the proposed rule is not inconsistent with § 52.171. The proposed rule would also allow combined license applicants and holders who select the option of using the risk-informed approach for addressing the effects of debris on long-term cooling, to also use the same approach in demonstrating compliance with GDC–38 and GDC–41. Because this is a voluntary alternative with respect to a portion of the existing requirements in GDC–38 and GDC–41, inclusion of this option in the proposed rule is not inconsistent with § 52.171.

*Draft Regulatory Guides*

The NRC is issuing, for public comment, three draft regulatory guides that would support implementation of § 50.46c. These draft regulatory guides are DG–1261, ''Conducting Periodic Testing for Breakaway Oxidation Behavior'' (ADAMS Accession No. ML12284A324); DG–1262, ''Testing for Post Quench Ductility'' (ADAMS Accession No. ML12284A325); and DG–1263, ''Establishing Analytical Limits for Zirconium-Based Alloy Cladding'' (ADAMS Accession No. ML12284A323). The draft regulatory guides provide guidance on compliance with those proposed new requirements for ECCS not contained in the current ECCS rule, § 50.46.

The NRC also plans to issue regulatory guidance on the voluntary alternative for addressing the effects of debris on long-term cooling using a risk-informed approach. The NRC currently intends to issue the guidance in the form of one or more regulatory guides, and that the regulatory guides would be published in draft form for public comment before being issued in final form as part of a final § 50.46c rule.

The first issuance of new guidance on a new rule provision [4] does not constitute backfitting, inasmuch as: i) The guidance on the new rule provision must be consistent with the regulatory requirements in the new rule provision; and ii) the backfittiing basis for the new rule provision should also be applicable to the issuance of guidance on that new rule provision. Therefore, the first issuance of new guidance addressing new provisions of § 50.46c does not constitute issuance of ''changed'' or ''new'' guidance within the meaning of the definition of ''backfitting'' in § 50.109(a)(1), or constitute an action inconsistent with any of the issue finality provisions in 10 CFR part 52. Accordingly, no further consideration of backfitting is needed to support issuance of the new regulatory guides on § 50.46c in final form.

**List of Subjects**

*10 CFR Part 50*

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

*10 CFR Part 52*

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site permit, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Reporting and recordkeeping requirements, Standard design, Standard design certification.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974; and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 50 and 52.

## PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. Revise the authority citation for part 50 to read as follows:

**Authority:** Atomic Energy Act secs. 102, 103, 104, 105, 147, 149, 161, 181, 182, 183, 186, 189, 223, 234 (42 U.S.C. 2132, 2133, 2134, 2135, 2167, 2169, 2201, 2231, 2232, 2233, 2236, 2239, 2273, 2282); Energy Reorganization Act secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); Nuclear Waste Policy Act sec. 306 (42 U.S.C. 10226); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 594 (2005). Section 50.7 also issued under Pub. L. 95–601, sec. 10, as amended by Pub. L. 102–486, sec 2902 (42 U.S.C. 5851). Section 50.10 also issued under Atomic Energy Act secs. 101, 185 (42 U.S.C. 2131, 2235); National Environmental Protection Act sec. 102 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under Atomic Energy Act sec. 108 (42 U.S.C. 2138).

Sections 50.23, 50.35, 50.55, and 50.56 also issued under Atomic Energy Act sec. 185 (42 U.S.C. 2235). Appendix Q also issued under National Environmental Protection Act sec. 102 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415 (42 U.S.C. 2239). Section 50.78 also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234).

■ 2. In § 50.8, paragraph (b) is revised to read as follows:

### § 50.8 Information collection requirements: OMB approval.

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(b) The approved information collection requirements contained in this part appear in §§ 50.30, 50.33, 50.34, 50.34a, 50.35, 50.36, 50.36a, 50.36b, 50.44, 50.46, 50.46c, 50.47, 50.48, 50.49, 50.54, 50.55, 50.55a, 50.59, 50.60, 50.61, 50.61a, 50.62, 50.63, 50.64, 50.65, 50.66, 50.68, 50.69, 50.70, 50.71, 50.72, 50.74, 50.75, 50.80, 50.82, 50.90, 50.91, 50.120, 50.150, and appendices A, B, E, G, H, I, J, K, M, N, O, Q, R, and S to this part.

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■ 3. In § 50.34, paragraphs (a)(4) and (b)(4) are revised to read as follows:

### § 50.34 Contents of applications; technical information.

(a) * * *

(4) A preliminary analysis and evaluation of the design and

[4] The NRC notes that while the proposed § 50.46c includes both ''amended'' requirements and ''new'' requirements, the three draft regulatory guides only provide ''new'' guidance on ''new'' § 50.46c requirements. By ''new'' requirements, the NRC means that these requirements have no analogue in the current ECCS rule. For example, the proposed § 50.46c(g)(1)((iii) criterion on breakaway oxidation is a ''new'' requirement because there is no provision in current § 50.46 requiring consideration of that phenomenon. By contrast, ''amended,'' means that the proposed rule contains several requirements that have analogues to requirements in the existing rule but are being addressed differently. An example of an ''amended'' requirement would be proposed § 50.46c(d)(1), because that provision: i) Addresses, *in language that differs from the current rule's language,* matters that are addressed in the current rule, including § 50.46(a)(1)(i); and ii) contains substantively different (proposed) requirements when compared to the current rule, but the proposed requirements are directed at technical matters already addressed in the current ECCS rule. For example, the proposed § 50.46c(g)(1)((iii) criterion on breakaway oxidation is a ''new'' requirement because there is no provision in current § 50.46 requiring consideration of that phenomenon. By contrast, ''amended'' means that the proposed rule contains several requirements which have analogues to requirements in the existing rule but are being addressed differently. An example of an ''amended'' requirement would be proposed § 50.46c(d)(1), because that provision: i) Addresses, *in language that differs from the current rule's language,* matters that are addressed in the current rule, including § 50.46(a)(1)(i); and ii) contains substantively different (proposed) requirements when compared to the current rule, but the proposed requirements are directed at technical matters already addressed in the current rule.

performance of structures, systems, and components of the facility with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of the margins of safety during normal operations and transient conditions anticipated during the life of the facility, and the adequacy of structures, systems, and components provided for the prevention of accidents and the mitigation of the consequences of accidents. Analysis and evaluation of ECCS cooling performance and the need for high point vents following postulated loss-of-coolant accidents must be performed in accordance with the requirements of §§ 50.46, 50.46b, and 50.46c, as applicable, for facilities for which construction permits may be issued after December 28, 1974.

* * * * *

(b) * * *

(4) A final analysis and evaluation of the design and performance of structures, systems, and components with the objective stated in paragraph (a)(4) of this section and taking into account any pertinent information developed since the submittal of the preliminary safety analysis report. Analysis and evaluation of ECCS cooling performance following postulated loss-of-coolant accidents shall be performed in accordance with the requirements of §§ 50.46 and 50.46c, as applicable, for facilities for which a license to operate may be issued after December 28, 1974.

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**§ 50.46a [Added and Reserved]**

■ 4. Section 50.46a is redesignated as § 50.46b, and a new § 50.46a is added and reserved.

■ 5. A new § 50.46c is added to read as follows:

**§ 50.46c Emergency core cooling system performance during loss-of-coolant accidents (LOCA).**

(a) *Applicability.* The requirements of this section apply to the design of a light water nuclear power reactor (LWR) and to the following entities who design, construct or operate an LWR: Each applicant for or holder of a construction permit under this part, each applicant for or holder of an operating license under this part (until the licensee has submitted the certification required under § 50.82(a)(1) to the NRC), each applicant for or holder of a combined license under part 52 of this chapter, each applicant for a standard design certification (including the applicant for that design certification after the NRC has adopted a final design certification rule), each applicant for a standard design approval under part 52 of this chapter, and each applicant for or holder of a manufacturing license under part 52 of this chapter.

(b) *Definitions.* As used in this section:

*Breakaway oxidation,* for zirconium-alloy cladding material, means the fuel cladding oxidation phenomenon in which weight gain rate deviates from normal kinetics. This change occurs with a rapid increase of hydrogen pickup during prolonged exposure to a high-temperature steam environment, which promotes loss of cladding ductility.

*ECCS evaluation model* means the calculational framework for evaluating the behavior of the reactor system (including fuel) during a postulated LOCA. It includes one or more computer programs and all other information necessary for application of the calculational framework to a specific LOCA, such as mathematical models used, assumptions included in the programs, procedure for treating the program input and output information, specification of those portions of analysis not included in computer programs, values of parameters, and all other information necessary to specify the calculational procedure.

*Debris evaluation model* means the calculational framework used to quantify the impact of debris generation, transport, sump head loss, in-vessel effects, chemical precipitation, and other phenomena important to long-term cooling. It includes one or more computer programs and other information necessary for application of the calculational framework to a set of initiating events, the mitigation of which requires long term cooling via recirculation. It also includes mathematical models used, assumptions used by the programs, procedures for treating the program input and output information, specifications of those portions of analysis not included in computer programs, values of parameters, and all other information necessary to specify the calculational procedure. The debris evaluation model is used, along with the probabilistic risk assessment (PRA), to quantify the portion of core damage frequency and large early release frequency attributable to debris.

*Loss-of-coolant accident (LOCA)* means a hypothetical accident that would result from the loss of reactor coolant, at a rate in excess of the capability of the reactor coolant makeup system, from breaks in pipes in the reactor coolant pressure boundary up to and including a break equivalent in size to the double-ended rupture of the largest pipe in the reactor coolant system.

(c) *Relationship to other NRC regulations.* The requirements of this section are in addition to any other requirements applicable to an emergency core cooling system (ECCS) set forth in this part, except as noted in this paragraph. The analytical limits established in accordance with this section, with cooling performance calculated in accordance with an NRC approved ECCS evaluation model, are in implementation of the general requirements with respect to ECCS cooling performance design set forth in this part, including in particular Criterion 35 of appendix A to this part. If the effects of debris on long-term cooling are evaluated using a risk-informed method as described in paragraph (e) of this section, then this method and results can be relied upon to demonstrate compliance with other requirements of this part as allowed by this section and requested in the application.

(d) *Emergency core cooling system design.*

(1) *ECCS performance criteria.* Each LWR must be provided with an ECCS designed to satisfy the following performance requirements in the event of, and following, a postulated LOCA. The demonstration of ECCS performance must comply with paragraph (d)(2) of this section:

(i) Core temperature during and following the LOCA event does not exceed the analytical limits for the fuel design used for ensuring acceptable performance as defined in this section.

(ii) The ECCS provides sufficient coolant so that decay heat will be removed for the extended period of time required by the long-lived radioactivity remaining in the core.

(2) *ECCS performance demonstration.* ECCS performance must be demonstrated using an ECCS evaluation model meeting the requirements of paragraph (d)(2)(i) or (d)(2)(ii) of this section, and satisfy the analytical requirements in paragraphs (d)(2)(iii), (d)(2)(iv), and (d)(2)(v) of this section. Paragraph (e) of this section may be used for consideration of debris as described in paragraph (d)(2)(iii) of this section. The ECCS evaluation model must be reviewed and approved by the NRC.

(i) *Realistic ECCS model.* A realistic model must include sufficient supporting justification to show that the analytical technique realistically describes the behavior of the reactor system during a loss-of-coolant accident. Comparisons to applicable experimental data must be made and

uncertainties in the analysis method and inputs must be identified and assessed so that the uncertainty in the calculated results can be estimated. This uncertainty must be accounted for, so that when the calculated ECCS cooling performance is compared to the applicable specified and NRC-approved analytical limits, there is a high level of probability that the limits would not be exceeded.

(ii) *Appendix K model.* Alternatively, an ECCS evaluation model may be developed in conformance with the required and acceptable features of appendix K to this part, ECCS Evaluation Models.

(iii) *Core geometry and coolant flow.* The ECCS evaluation model must address calculated changes in core geometry and must consider those factors, including debris, that may alter localized coolant flow in the core or inhibit delivery of coolant to the core. A licensee may evaluate effects of debris using a risk-informed approach to demonstrate long-term ECCS performance, as specified in paragraph (e) of this section.

(iv) *LOCA analytical requirements.* ECCS performance must be demonstrated for a range of postulated loss-of-coolant accidents of different sizes, locations, and other properties, sufficient to provide assurance that the most severe postulated loss-of-coolant accidents have been identified. ECCS performance must be demonstrated for the accident, and the post-accident recovery and recirculation period.

(v) *Modeling requirements for fuel designs: Uranium oxide or mixed uranium-plutonium oxide pellets within zirconium-alloy cladding.* If the reactor is fueled with uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium-alloy cladding, then the ECCS evaluation model must address the fuel system modeling requirements in paragraph (g)(2) of this section.

(3) *Required documentation.* Upon implementation of this section in accordance with paragraph (o) of this section, the documentation requirements of this paragraph apply and supersede the requirements in appendix K to this part, section II, ''Required Documentation.''

(i)(A) A description of each ECCS evaluation model must be furnished. The description must be sufficiently complete to permit technical review of the analytical approach, including the equations used, their approximations in difference form, the assumptions made, and the values of all parameters or the procedure for their selection, as for example, in accordance with a specified physical law or empirical correlation.

(B) A complete listing of each computer program, in the same form as used in the ECCS evaluation model, must be furnished to the NRC upon request.

(ii) For each computer program, solution convergence must be demonstrated by studies of system modeling or noding and calculational time steps.

(iii) Appropriate sensitivity studies must be performed for each ECCS evaluation model, to evaluate the effect on the calculated results of variations in noding, phenomena assumed in the calculation to predominate, including pump operation or locking, and values of parameters over their applicable ranges. For items to which results are shown to be sensitive, the choices made must be justified.

(iv) To the extent practicable, predictions of the ECCS evaluation model, or portions thereof, must be compared with applicable experimental information.

(v) Elements of ECCS evaluation models reviewed will include technical adequacy of the calculational methods, including: For models covered by paragraph (d)(2)(ii) of this section, compliance with required features of section I of appendix K to this part; and, for models covered by paragraph (d)(2)(i) of this section, assurance of a high level of probability that the performance criteria of paragraph (d)(1) of this section would not be exceeded.

(vi) For operating licenses issued under this part as of [EFFECTIVE DATE OF RULE], required documentation of Table 1 in paragraph (o) of this section must be submitted to demonstrate compliance by the date specified in Table 1 in paragraph (o) of this section.

(e) *Alternate risk-informed approach for addressing the effects of debris on long-term core cooling.*

(1) *Risk-informed approach acceptance criteria.* An entity may request the NRC to approve a risk-informed approach for addressing the effects of debris on long-term core cooling to demonstrate compliance with the requirements in paragraph (d)(1)(ii) of this section. The risk-informed approach must:

(i) Provide reasonable confidence that any increase in core damage frequency and large early release frequency resulting from implementing the alternative risk-informed approach will be small;

(ii) Maintain sufficient defense-in-depth and safety margins;

(iii) Consider results and insights from the probabilistic risk assessment (PRA); and

(iv) Utilize a PRA that, at a minimum, models severe accident scenarios resulting from internal events occurring at full power operation and reasonably reflects the current plant configuration and operating practices, and applicable plant and industry operational experience, is of sufficient scope, level of detail, and technical adequacy to support the alternative process, and is subjected to a peer review process that assesses the PRA against a standard or set of acceptance criteria that is endorsed by the NRC.

(2) *Contents of application.* An entity seeking to use the risk-informed approach under paragraph (e)(1) of this section, must submit an application with the following information:

(i) A description of the alternative risk-informed approach;

(ii) A description of the measures taken to assure that the scope, level of detail and technical adequacy of the systematic processes that evaluate the plant for internal and external events initiated during full power, low power, and shutdown operation (including the PRA, margins-type approaches, or other systematic evaluation techniques used to evaluate severe accidents) are commensurate with the reliance on risk information;

(iii) Results of the PRA review process conducted to satisfy the requirements of paragraphs (e)(1)(iii) and (iv) of this section;

(iv) A description of, and basis for acceptability of, the evaluations conducted to demonstrate compliance with paragraphs (e)(1)(i) and (ii) of this section; and

(v) The analytical limit on long-term peak cooling temperature as established in paragraph (g)(1)(v) of this section.

(3) *NRC approval.* If the NRC determines that the application demonstrates that the requirements of paragraph (e)(1) of this section are met, and the application establishes an acceptable long-term peak cladding temperature limit, then it may approve the use of the risk-informed approach for addressing debris effects on long-term cooling when issuing the license, regulatory approval or amendments thereto. The NRC's approval must specify the circumstances under which the licensee or design certification applicant, as applicable, shall notify the NRC of changes or errors in the risk evaluation approach utilized to address the effects of debris on long-term cooling.

(f) [Reserved]

(g) *Fuel system designs: Uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium-alloy cladding.*

(1) *Fuel performance criteria.* Fuel consisting of uranium oxide or mixed uranium-plutonium oxide pellets within cylindrical zirconium-alloy cladding must be designed to meet the following requirements:

(i) *Peak cladding temperature.* Except as provided in paragraph (g)(1)(ii) of this section, the calculated maximum fuel element cladding temperature shall not exceed 2200 °F.

(ii) *Cladding embrittlement.* Analytical limits on peak cladding temperature and integral time at temperature shall be established that correspond to the measured ductile-to-brittle transition for the zirconium-alloy cladding material based on an NRC-approved experimental technique. The calculated maximum fuel element temperature and time at elevated temperature shall not exceed the established analytical limits. The analytical limits must be approved by the NRC. If the peak cladding temperature, in conjunction with the integral time at temperature analytical limit, established to preserve cladding ductility is lower than the 2200 °F limit specified in paragraph (g)(1)(i) of this section, then the lower temperature shall be used in place of the 2200 °F limit.

(iii) *Breakaway oxidation.* The total accumulated time that the cladding is predicted to remain above a temperature at which the zirconium-alloy has been shown to be susceptible to breakaway oxidation shall not be greater than a limit that corresponds to the measured onset of breakaway oxidation for the zirconium-alloy cladding material based on an NRC-approved experimental technique. The limit must be approved by the NRC.

(iv) *Maximum hydrogen generation.* The calculated total amount of hydrogen generated from any chemical reaction of the fuel cladding with water or steam shall not exceed 0.01 times the hypothetical amount that would be generated if all of the metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume, were to react.

(v) *Long-term cooling.* An analytical limit on long-term peak cladding temperature shall be established that corresponds to the ductile-to-brittle transition for the zirconium-alloy cladding material determined using an NRC-approved experimental technique. The analytical limit must be approved by the NRC.

(2) *Fuel system modeling requirements.* The ECCS evaluation model required by paragraph (d)(2) of this section must model the fuel system in accordance with the following requirement:

(i) If an oxygen source is present on the inside surfaces of the cladding at the onset of the LOCA, then the effects of oxygen diffusion from the cladding inside surfaces must be considered in the ECCS evaluation model.

(ii) The thermal effects of crud and oxide layers that accumulate on the fuel cladding during plant operation must be evaluated. For the purposes of this paragraph, crud means any foreign substance deposited on the surface of fuel cladding prior to initiation of a LOCA.

(h) [Reserved]

(i) [Reserved]

(j) [Reserved]

(k) *Use of NRC-approved fuel in reactor.* A licensee may not load fuel into a reactor, or operate the reactor, unless the licensee either determines that the fuel meets the requirements of paragraph (d) of this section, or complies with technical specifications governing lead test assemblies in its license.

(l) *Authority to impose restrictions on operation.* The Director of the Office of Nuclear Reactor Regulation or the Director of the Office of New Reactors may impose restrictions on reactor operation if it is found that the evaluations of ECCS cooling performance submitted are not consistent with the requirements of this section.

(m) *Corrective actions and reporting.* Each entity subject to the requirements of this section must comply with paragraphs (m)(1) through (3) of this section. Each entity demonstrating acceptable long-term core cooling under the provisions of paragraph (e) of this section shall also comply with the requirements of paragraph (m)(4) of this section.

(1) *Categories of changes, errors, or operation inconsistent with the ECCS evaluation model.*

(i) If an entity identifies any change to, or error in, an ECCS evaluation model or the application of such a model, or any operation inconsistent with the ECCS evaluation model or resulting noncompliance with the acceptance criteria in this section, that does not result in any predicted response that exceeds any acceptance criteria specified in this section and is itself not significant, then a report describing each such change, error, or operation and a demonstration that the error, change, or operation is not significant must be submitted to the NRC no later than 12 months after the change or discovery of the error, or operation.

(ii) If an entity identifies a change, error, or operation inconsistent with the ECCS evaluation model that does not result in any predicted response that exceeds any of the acceptance criteria but is significant, then a report describing each such change, error, or operation, and a schedule for submitting a reanalysis and implementation of corrective actions must be submitted within 30 days of the change, discovery of the error, or operation.

(iii) If a licensee of a facility licensed to operate identifies a change, error, or operation inconsistent with the ECCS evaluation model that results in any of the acceptance criteria specified in this section to be exceeded at the facility, then the licensee shall report the change, error, or operation under §§ 50.55(e), 50.72, and 50.73, as applicable, and submit a report describing each such change, error, or operation and a schedule for submitting a reanalysis and implementation of corrective actions within 30 days of the change, discovery of the error, or operation. In addition, the licensee (in the case of a combined license under part 52 of this chapter, after the Commission has made the finding under § 52.103(g) shall take immediate action to bring the facility into compliance with the acceptance criteria.

(iv) If a design certification applicant is required by paragraphs (m)(1)(ii) of this section to submit a reanalysis, or identifies a change, error, or operation that results in any predicted response that exceeds any of the acceptance criteria specified in this section, then the applicant must submit a reanalysis, accompanied by either a revision to its design certification application under review, or an application to amend the design certification application, as applicable, reflecting the reanalysis.

(2) *Significant change or error in the ECCS evaluation model.* For the purposes of paragraph (m)(1) of this section, a significant change or error in an ECCS evaluation model is one that results in a calculated–

(i) Peak fuel cladding temperature different by more than 50 °F from the temperature calculated for the limiting transient using the last NRC-approved ECCS evaluation model, or is a cumulation of changes and errors such that the sum of the absolute magnitudes of the respective temperature changes is greater than 50 °F; or

(ii) Integral time at temperature different by more than 0.4 percent ECR from the oxidation calculated for the

limiting transient using the last NRC-approved ECCS evaluation model, or is a cumulation of changes and errors such that the sum of the absolute magnitudes of the respective oxidation changes is greater than 0.4 percent ECR.

(3) *Breakaway oxidation.* Each holder of an operating license or combined license shall measure breakaway oxidation for each reload batch. The holder must report the results to the NRC annually (i.e., anytime within each calendar year), in accordance with § 50.4 or § 52.3 of this chapter, and evaluate the results to determine if there is a failure to conform or a defect that must be reported in accordance with the requirements of 10 CFR part 21.

(4) *Updates to risk-informed consideration of debris in long-term cooling.*

(i) *Design certification before issuance of final design certification rule.* If a design certification applicant, after performing the evaluation under paragraph (e) of this section and including the information in its application, determines that any acceptance criterion of paragraph (e)(1) of this section is not met, then the applicant shall submit a report describing its determination. Thereafter, the applicant shall submit, in a timely manner, an amendment to its pending design certification application. The amendment application must describe any changes to the certified design and/or changes in the analyses, evaluations, and modeling (including the debris evaluation model and the PRA and its supporting analyses) needed to demonstrate that the certified design meets the acceptance criteria in paragraph (e)(1) of this section.

(ii) *Design certification during the period of validity under § 52.55(a) and (b) of this chapter—not currently referenced in any COL application or COL.* The design certification applicant need not report any information concerning compliance with the acceptance criterion of paragraph (e)(1) of this section in accordance with the requirements of part 21 of this chapter until 30 days after the design certification is referenced by a COL applicant.

(iii) *Design certification during the period of validity under § 52.55(a) and (b) of this chapter—once referenced in a COL application or COL.* The design certification applicant shall evaluate and report any information concerning compliance with the acceptance criterion of paragraph (e)(1) of this section in accordance with the requirements of part 21 of this chapter.

(iv) *Design certification—renewal.* The applicant for renewal of a design certification shall update the debris evaluation model and the PRA and its supporting analyses, taking into account all known applicable industry operational experience. The applicant shall re-perform the evaluations of risk, defense-in-depth, and safety margins using the updated model. If any of the acceptance criteria in paragraph (e)(1) of this section are not met, then applicant shall include necessary changes to the certified design, debris evaluation model, PRA or supporting analyses to demonstrate that the renewed certified design meets the acceptance criteria in paragraph (e)(1) of this section.

(v) *Combined license application.* If a combined license applicant, after performing the evaluation required by paragraph (e) of this section and including the information in its application, determines that any acceptance criterion of paragraph (e)(1) of this section is not met, then the applicant shall submit a report describing its determination within 30 days of completion of the determination. Thereafter, the applicant shall submit, in a timely manner, an amendment to its pending combined license application. The amendment application must describe any changes to the design of the facility and/or changes in the analyses, evaluations, and modeling (including the debris evaluation model and the PRA and its supporting analyses) needed to demonstrate that the design of the facility meets the acceptance criteria in paragraph (e)(1) of this section, any necessary changes to previously-submitted inspections, tests, analyses and acceptance criteria, and either the bases for any change to the inspections, tests, analyses, and acceptance criteria (ITAAC) or why no changes to the ITAAC are needed.

(vi) *Combined licenses before finding under § 52.103(g)of this chapter.* Each holder of a combined license must, no later than the scheduled date for initial loading of fuel under § 52.103(a) of this chapter, update the analyses, evaluations, and modeling performed under paragraph (e) of this section. The updating must correct identified errors, and incorporate licensee-adopted changes to the plant design, the licensee's proposed operational practices, and any applicable industry operational experience known to the licensee. As appropriate, the licensee shall update the debris evaluation model and the PRA and its supporting analyses, and re-perform the evaluations of risk, defense-in-depth, and safety margins to confirm that the acceptance criteria identified in paragraph (e)(1) of this section continue to be met. After submitting the update under this paragraph and until the Commission has made the finding under § 52.103(g) of this chapter, the licensee shall re-perform this evaluation in a timely manner if the licensee identifies a change or error in the analyses, evaluations, and modeling, makes a change in the plant design or the plant's proposed operational practices, or identifies applicable industry operational experience. The licensee shall re-perform the evaluation, even if no changes or errors are identified, by no later than 48 months after the last review. If the licensee determines that any acceptance criterion of paragraph (e)(1) of this section is not met, then the licensee shall submit, in a timely fashion, an application for amendment of its combined license (and departure from a referenced design certification rule, if applicable), including necessary changes to its updated final safety analysis report and any necessary changes to the ITAAC. The amendment application must demonstrate that the acceptance criteria of paragraph (e)(1) of this section are met, and must describe any changes to the analyses, evaluations and modeling needed to support that conclusion. The application must explain either the bases for any change to ITAAC or why no changes to ITAAC are needed. The application must, if applicable, include a request for exemption from a referenced design certification rule, but need not address the criteria for obtaining an exemption. The licensee shall also submit any report required by § 52.99 of this chapter. The NRC need not address the issue finality criteria in §§ 52.63, 52.83, and 52.98 of this chapter when acting on this amendment, and shall—as part of any approved amendment—issue any necessary exemption upon a finding that the exemption is authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

(vii) *Operating licenses and combined licenses after finding under § 52.103(g) of this chapter—updating and corrections.* The licensee shall review the analyses, evaluations, and modeling performed under paragraph (e) of this section for changes and errors and incorporate changes to the design, plant, operational practices, and applicable plant and industry operational experience. As appropriate, the licensee shall update the debris evaluation model and the PRA and its supporting analyses, and re-perform the evaluations of risk, defense-in-depth, and safety margins to confirm that the acceptance criteria identified in paragraph (e)(1) of

this section continue to be met. The licensee shall perform this review in a timely manner after a change or error is identified in the analyses, evaluations, and modeling or a change is identified in the design, plant, operational practices, or applicable plant and industry operational experience. The licensee shall perform this review even if no changes or errors are identified, by no later than 48 months after the last review. If the licensee, at any time, determines that any acceptance criterion of paragraph (e)(1) of this section is not met, then the licensee shall take action in a timely manner to bring the facility into compliance with the acceptance criteria of paragraph (e)(1) of this section. The licensee shall also report the failure to meet the long-term cooling acceptance criterion in paragraph (e)(1) of this section. The report must be prepared and submitted in accordance with, §§ 50.72, and 50.73, as applicable. Thereafter, the licensee shall submit, in a timely fashion, an application for amendment of its license, including necessary changes to its updated final safety analysis report. The amendment application must demonstrate that the acceptance criteria of paragraph (e)(1) of this section are met, and must describe any changes to the analyses, evaluations and modeling needed to support that conclusion. The amendment application for a combined license must, if applicable, include a request for exemption from a referenced design certification rule, but need not address the criteria for obtaining an exemption. The NRC need not address either the backfitting criteria in § 50.109 or the issue finality criteria in §§ 52.63, 52.83, and 52.98 of this chapter when acting on this amendment and shall, as part of any approved amendment, issue any necessary exemption upon a finding that the exemption is authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

(n) [Reserved]

(o) *Implementation.*

(1) Construction permits issued under this part after [EFFECTIVE DATE OF RULE] must comply with the requirements of this section at their issuance.

(2) Operating licenses issued under this part that are based upon construction permits in effect as of [EFFECTIVE DATE OF RULE] (including deferred and reinstated construction permits) must comply with the requirements of this section by no later than the applicable date set forth in Table 1 in paragraph (o) of this section. Until such compliance is achieved, the requirements of § 50.46 continue to apply.

(3) Operating licenses issued under this part after [EFFECTIVE DATE OF RULE] must comply with the requirements of this section.

(4) Operating licenses issued under this part as of [EFFECTIVE DATE OF RULE] must comply with the requirements of this section by no later than the applicable date set forth in Table 1 in paragraph (o) of this section. Until such compliance is achieved, the requirements of § 50.46 continue to apply.

(5) Standard design certifications, standard design approvals, and manufacturing licenses under part 52 of this chapter, whose applications (including applications for amendment) are docketed after [EFFECTIVE DATE OF RULE], and new branches of these certifications whose applications are docketed after [EFFECTIVE DATE OF RULE] must comply with this section at their issuance.

(6) Standard design certifications under part 52 of this chapter issued before [EFFECTIVE DATE OF RULE] must comply with this section by the time of renewal.

(7) Standard design certifications, standard design approvals, and manufacturing licenses under part 52 of this chapter issued after [EFFECTIVE DATE OF RULE] whose applications were pending as of [EFFECTIVE DATE OF RULE] and new branches of certifications issued after [EFFECTIVE DATE OF RULE] whose applications were pending as of [EFFECTIVE DATE OF RULE] must comply with this section by the time of renewal.

(8) Combined license applications under part 52 of this chapter whose applications are docketed after [EFFECTIVE DATE OF RULE] must comply with this section.

(9) Combined licenses issued under part 52 of this chapter, before [EFFECTIVE DATE OF RULE] and combined licenses issued after the [EFFECTIVE DATE OF RULE] whose applications were docketed before [EFFECTIVE DATE OF RULE] must comply with this section no later than completion of the first refueling outage after initial fuel load. Until such compliance is achieved, the requirements in § 50.46 continue to apply.

Table 1: Implementation Dates for Nuclear Power Plants with Operating Licenses as of [EFFECTIVE DATE OF RULE].

| Track | Reactor type | Plant name | Compliance demonstration |
|---|---|---|---|
| 1 | PWR | Arkansas Nuclear One—Unit 1<br>Braidwood Station—Unit 1.<br>Byron Station—Unit 1.<br>Calvert Cliffs Nuclear Power Plant—Unit 1.<br>Calvert Cliffs Nuclear Power Plant—Unit 2.<br>Comanche Peak Nuclear Power Plant—Unit 1.<br>Comanche Peak Nuclear Power Plant—Unit 2.<br>Davis-Besse Nuclear Power Station—Unit 1.<br>Diablo Canyon Power Plant—Unit 2.<br>Fort Calhoun Station—Unit 1.<br>H.B. Robinson Steam Electric Plant—Unit 2.<br>Indian Point Nuclear Generating Station—Unit 2.<br>J.M. Farley Nuclear Plant—Unit 1.<br>J.M. Farley Nuclear Plant—Unit 2.<br>Millstone Power Station—Unit 2.<br>Millstone Power Station—Unit 3.<br>North Anna Power Station—Unit 1.<br>North Anna Power Station—Unit 2.<br>Oconee Nuclear Station—Unit 1.<br>Oconee Nuclear Station—Unit 2.<br>Oconee Nuclear Station—Unit 3.<br>Palisades Nuclear Plant.<br>Point Beach Nuclear Plant—Unit 1. | No later than 24 months from effective date of rule. |

| Track | Reactor type | Plant name | Compliance demonstration |
|---|---|---|---|
| | | Point Beach Nuclear Plant—Unit 2. | |
| | | Prairie Island Nuclear Generating Plant—Unit 1. | |
| | | Prairie Island Nuclear Generating Plant—Unit 2. | |
| | | R.E. Ginna Nuclear Power Plant. | |
| | | Saint Lucie Plant—Unit 1. | |
| | | Seabrook Station—Unit 1. | |
| | | Sequoyah Nuclear Plant—Unit 1. | |
| | | Sequoyah Nuclear Plant—Unit 2. | |
| | | Three Mile Island—Unit 1. | |
| | | Turkey Point Nuclear Generating Station—Unit 3. | |
| | | Turkey Point Nuclear Generating Station—Unit 4. | |
| | | Vogtle Electric Generating Plant—Unit 1. | |
| | | Vogtle Electric Generating Plant—Unit 2. | |
| | | Wolf Creek Generating Station—Unit 1. | |
| | BWR | Browns Ferry Nuclear Plant—Unit 1. | |
| | | Browns Ferry Nuclear Plant—Unit 2. | |
| | | Browns Ferry Nuclear Plant—Unit 3. | |
| | | Brunswick Steam Electric Plant—Unit 1. | |
| | | Brunswick Steam Electric Plant—Unit 2. | |
| | | Clinton Power Station—Unit 1. | |
| | | Columbia Generating Station. | |
| | | Cooper Nuclear Station. | |
| | | Duane Arnold Energy Center. | |
| | | E.I. Hatch Nuclear Plant—Unit 1. | |
| | | E.I. Hatch Nuclear Plant—Unit 2. | |
| | | Fermi—Unit 2. | |
| | | Hope Creek Generating Station—Unit 1. | |
| | | Grand Gulf Nuclear Station—Unit 1. | |
| | | J.A. Fitzpatrick Nuclear Power Plant. | |
| | | LaSalle County Station—Unit 1. | |
| | | LaSalle County Station—Unit 2. | |
| | | Limerick Generating Station—Unit 1. | |
| | | Limerick Generating Station—Unit 2. | |
| | | Nine Mile Point Nuclear Station—Unit 2. | |
| | | Peach Bottom Atomic Power Station—Unit 2. | |
| | | Peach Bottom Atomic Power Station—Unit 3. | |
| | | Perry Nuclear Power Plant—Unit 1. | |
| | | River Bend Station—Unit 1. | |
| | | Susquehanna Steam Electric Station—Unit 1. | |
| | | Susquehanna Steam Electric Station—Unit 2. | |
| | | Vermont Yankee Nuclear Power Station. | |
| 2 | PWR | Beaver Valley Power Station—Unit 1 | No later than 48 months from effective date of rule. |
| | | Beaver Valley Power Station—Unit 2. | |
| | | Braidwood Station—Unit 2. | |
| | | Byron Station—Unit 2. | |
| | | Catawba Nuclear Station—Unit 1. | |
| | | Catawba Nuclear Station—Unit 2. | |
| | | D.C. Cook Nuclear Plant—Unit 1. | |
| | | D.C. Cook Nuclear Plant—Unit 2. | |
| | | Diablo Canyon Power Plant—Unit 1. | |
| | | Indian Point Nuclear Generating Station—Unit 3. | |
| | | McGuire Nuclear Station—Unit 1. | |
| | | McGuire Nuclear Station—Unit 2. | |
| | | Watts Bar Nuclear Plant—Unit 1. | |
| | BWR | Nine Mile Point Nuclear Station—Unit 1. | |
| | | Oyster Creek Nuclear Generating Station. | |
| 3 | PWR | Arkansas Nuclear One—Unit 2 | No later than 60 months from effective date of rule. |
| | | Callaway Plant—Unit 1. | |
| | | Palo Verde Nuclear Generating Station—Unit 1. | |
| | | Palo Verde Nuclear Generating Station—Unit 2. | |
| | | Palo Verde Nuclear Generating Station—Unit 3. | |
| | | Saint Lucie Plant—Unit 2. | |
| | | Salem Nuclear Generating Station—Unit 1. | |
| | | Salem Nuclear Generating Station—Unit 2. | |
| | | Shearon Harris Nuclear Power Plant—Unit 1. | |
| | | South Texas Project—Unit 1. | |
| | | South Texas Project—Unit 2. | |
| | | Surry Power Plant—Unit 1. | |
| | | Surry Power Plant—Unit 2. | |
| | | V.C. Summer Nuclear Station—Unit 1. | |
| | | Waterford Steam Electric Station—Unit 3. | |
| | BWR | Dresden Nuclear Power Station—Unit 2. | |
| | | Dresden Nuclear Power Station—Unit 3. | |
| | | Monticello Nuclear Generating Plant—Unit 1. | |

| Track | Reactor type | Plant name | Compliance demonstration |
|---|---|---|---|
| | | Pilgrim Nuclear Power Station.<br>Quad Cities Nuclear Power Station—Unit 1.<br>Quad Cities Nuclear Power Station—Unit 2. | |

* * * * *

■ 6. In appendix A to part 50, under the heading, ''Criteria,'' criteria 35, 38, and 41 are revised to read as follows:

## Appendix A to Part 50—General Design Criteria for Nuclear Power Plants

* * * * *

*Criterion 35—Emergency core cooling.* A system to provide abundant emergency core cooling shall be provided. The system safety function shall be to transfer heat from the reactor core following any loss of reactor coolant at a rate such that 1) fuel and clad damage that could interfere with continued effective core cooling is prevented and 2) clad metal-water reaction is limited to negligible amounts.

Suitable redundancy in components and features, and suitable interconnections, leak detection, isolation, and containment capabilities shall be provided to assure that for onsite electric power operation (assuming offsite power is not available) and for offsite electric power system operation (assuming onsite power is not available) the system safety function can be accomplished, assuming a single failure.

The effects of debris on system safety function with respect to long-term cooling may be evaluated in accordance with all requirements applicable to the risk-informed approach in § 50.46c.

* * * * *

Criterion 38—Containment heat removal system. A system to remove heat from the reactor containment shall be provided. The system safety function shall be to reduce rapidly, consistent with the functioning of other associated systems, the containment pressure and temperature following any loss-of-coolant accident and maintain them at acceptably low levels.

Suitable redundancy in components and features, and suitable interconnections, leak detection, isolation, and containment capabilities shall be provided to assure that for onsite electric power system operation (assuming offsite power is not available) and for offsite electric power system operation (assuming onsite power is not available) the system safety function can be accomplished, assuming a single failure.

The effects of debris on safety system function with respect to the maintenance of containment pressure and temperature may be evaluated in accordance with all requirements applicable to the risk-informed approach in § 50.46c.

* * * * *

Criterion 41—Containment atmosphere cleanup. Systems to control fission products, hydrogen, oxygen, and other substances which may be released into the reactor containment shall be provided as necessary to reduce, consistent with the functioning of other associated systems, the concentration and quality of fission products released to the environment following postulated accidents, and to control the concentration of hydrogen or oxygen and other substances in the containment atmosphere following postulated accidents to assure that containment integrity is maintained.

Each system shall have suitable redundancy in components and features, and suitable interconnections, leak detection, isolation, and containment capabilities to assure that for onsite electric power system operation (assuming offsite power is not available) and for offsite electric power system operation (assuming onsite power is not available) its safety function can be accomplished, assuming a single failure.

The effects of debris on system safety function following occurrence of the postulated accidents may be evaluated in accordance with all requirements applicable to the risk-informed approach in § 50.46c.

* * * * *

■ 7. In appendix K to part 50, a new paragraph II.6 is added to read as follows:

## Appendix K to Part 50—ECCS Evaluation Models

* * * * *

II. * * *

6. Upon implementation of § 50.46c in accordance with § 50.46c(o), the documentation requirements in § 50.46c(d)(3) apply and supersede the requirements of section II of this appendix.

## PART 52—LICENSES, CERTIFICATIONS AND APPROVALS FOR NUCLEAR POWER PLANTS

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

**Authority:** Secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2167, 2169, 2201, 2232, 2233, 2235, 2236, 2239, 2282); Energy Reorganization Act secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 594 (2005).

■ 9. In § 52.47, paragraph (a)(4) is revised to read as follows:

### § 52.47 Contents of applications; technical information

* * * * *

(a) * * *

(4) An analysis and evaluation of the design and performance of structures, systems, and components with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of the margins of safety during normal operations and transient conditions anticipated during the life of the facility, and the adequacy of structures, systems, and components provided for the prevention of accidents and the mitigation of the consequences of accidents. Analysis and evaluation of emergency core cooling system (ECCS) cooling performance and the need for high-point vents following postulated loss-of-coolant accidents shall be performed in accordance with the requirements of §§ 50.46, 50.46b and 50.46c of this chapter, as applicable;

* * * * *

■ 10. In § 52.79, paragraph (a)(5) is revised to read as follows:

### § 52.79 Contents of applications; technical information in final safety analysis report.

(a) * * *

(5) An analysis and evaluation of the design and performance of structures, systems, and components with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of the margins of safety during normal operations and transient conditions anticipated during the life of the facility, and the adequacy of structures, systems, and components provided for the prevention of accidents and the mitigation of the consequences of accidents. Analysis and evaluation of ECCS cooling performance and the need for high-point vents following postulated loss-of-coolant accidents shall be performed in accordance with the requirements of §§ 50.46, 50.46b and 50.46c of this chapter, as applicable;

* * * * *

■ 11. In § 52.137, paragraph (a)(4) is revised to read as follows:

### § 52.137 Contents of applications; technical information.

* * * * *

(a) * * *

(4) An analysis and evaluation of the design and performance of SSCs with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of the margins of safety during normal operations and transient conditions anticipated during the life of the facility, and the adequacy of SSCs provided for the prevention of accidents and the mitigation of the consequences of accidents. Analysis and evaluation of ECCS cooling performance and the need

for high-point vents following postulated loss-of-coolant accidents shall be performed in accordance with the requirements of §§ 50.46, 50.46b, and 50.46c of this chapter, as applicable;

* * * * *

■ 12. In § 52.157, paragraph (f)(1) is revised to read as follows:

**§ 52.157 Contents of applications; technical information in the final safety analysis report.**

* * * * *

(f) * * *

(1) An analysis and evaluation of the design and performance of structures, systems, and components with the objective of assessing the risk to public health and safety resulting from operation of the facility and including determination of the margins of safety during normal operations and transient conditions anticipated during the life of the facility, and the adequacy of structures, systems, and components provided for the prevention of accidents and the mitigation of the consequences of accidents. Analysis and evaluation of ECCS cooling performance and the need for high-point vents following postulated loss-of-coolant accidents shall be performed in accordance with the requirements of §§ 50.46, 50.46b, and 50.46c of this chapter, as applicable;

* * * * *

Dated at Rockville, Maryland, this 6th day of March, 2013.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2014–05562 Filed 3–21–14; 8:45 am]

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Part III

## Social Security Administration

20 CFR Part 422

Collection of Administrative Debts; Proposed Rule

**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Part 422**

**[Docket No. SSA–2011–0053]**

**RIN 0960–AH36**

## Collection of Administrative Debts

**AGENCY:** Social Security Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** We propose to create our own administrative debt collection regulations. Currently, we collect these debts under the authority of the Department of Health and Human Services regulations from 1995. However, under the regulations issued by the Department of Justice and Department of the Treasury (Treasury), to perform certain debt collection activities, agencies must publish their own regulations. Therefore, we propose this regulation to improve our authorities to pursue collection of administrative debts from current and separated employees and non-employee debtors as authorized by the Debt Collection Act (DCA) of 1982, amended by the Debt Collection Improvement Act (DCIA) of 1996 and other existing debt collection statutes.

**DATES:** To ensure that your comments are considered, we must receive them no later than May 23, 2014.

**ADDRESSES:** You may submit comments by any one of three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2011–0053 so that we may associate your comments with the correct regulation.

*Caution:* You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. Internet: We strongly recommend that you submit your comments via the Internet. Please visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the *Search* function to find docket number SSA–2011–0053. The system will issue a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. Fax: Fax comments to (410) 966–2830.

3. Mail: Mail your comments to the Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Jennifer C. Pendleton, Office of Payment and Recovery Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–5652. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

Employee debts include, but are not limited to, salary overpayments, advanced travel pay, and debts resulting from overpayments of benefit premiums. Non-employee debts include, but are not limited to, vendor overpayments, reimbursable agreements, and civil monetary penalties.

This change will authorize us to pursue collection of Administrative debts under the authorities prescribed in the following statutes and legislations:

- Debt Collection Act (DCA) 1982, Public Law 97–365 (5 U.S.C. 5514; 31 U.S.C. 3701 *et seq.*)
- Debt Collection Improvement Act (DCIA) 1996, Public Law 104–134 (5 U.S.C. 5514; 31 U.S.C. 3701 *et seq.*)
- 5 U.S.C. 5512—Withholding pay; individuals in arrears
- 5 U.S.C. 5514—Installment deduction for indebtedness to the United States
- 31 U.S.C. 3711—Collection and compromise
- 31 U.S.C. 3716—Administrative offset
- 31 U.S.C. 3717—Interest and penalty on claims
- 31 U.S.C. 3720A—Reduction of tax refund by amount of debt
- 31 U.S.C. 3720B—Barring delinquent federal debtors from obtaining federal loans or loan insurance guarantees
- 31 U.S.C. 3720C—Debt Collection Improvement Account
- 31 U.S.C. 3720D—Garnishment
- 31 U.S.C. 3720E—Dissemination of information regarding identity of delinquent debtors
- Office of Personnel Management (OPM) Regulations (5 CFR part 550—Salary Offset)
- Federal Claims Collection Standards (31 CFR parts 901–904)
- Department of the Treasury Regulations (31 CFR part 285)

### Changes to Our Regulations

We propose to change our regulations to conform to the Department of the Treasury's regulations and OPM's requirements for Salary Offset. Therefore, we propose to add Subpart I of Part 422 of chapter III of title 20 of the Code of Federal Regulations.

### Clarity of These Proposed Rules

Executive Order 12866 as supplemented by Executive Order 13563 requires each agency to write all rules in plain language. In addition to your substantive comments on this final rule, we invite your comments on how to make the rules easier to understand.

For example:

- Would more, but shorter, sections be better?
- Are the requirements in the rule clearly stated?
- Have we organized the material to suit your needs?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format make the rule easier to understand, (e.g. grouping and order of sections, use of headings, paragraphing)?

### When Will We Start To Use This Rule?

We will not use this proposed rule until we evaluate public comments and publish a final rule in the **Federal Register**. Any final rule we issue includes an effective date. We will continue to use the current rule until that date. If we publish a final rule, we will include a summary of those relevant comments we received along with responses and an explanation of how we will apply the new rule.

### Regulatory Procedures

*Executive Order 12866 as supplemented by Executive Order 13563*

We consulted with the Office of Management and Budget (OMB) and determined that this proposed rule does not meet the criteria for a significant regulatory action under Executive Order 12866 as supplemented by Executive Order 13563. Thus, OMB did not review the proposed rule.

*Regulatory Flexibility Act*

We certify that this proposed rule will not have a significant economic impact on a substantial number of small entities

because it applies to individuals only. Thus, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

*Paperwork Reduction Act*

This rule does not contain information collection requirements. Therefore, we need not submit the rule to Office of Management and Budget for review under the Paperwork Reduction Act.

**List of Subjects in 20 CFR Part 422**

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Social Security.

Dated: March 14, 2014.

**Carolyn W. Colvin,**

*Acting Commissioner of Social Security.*

For the reasons set out in the preamble, we propose to add Subpart I of part 422 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

## PART 422—ORGANIZATION AND PROCEDURES

■ 1. Add Subpart I to Part 422 to read as follows:

## Subpart I—Administrative Claims Collection

**Authority:** Sec. 97, Public Law 97–365, 96 Stat. 1749; Sec. 104, Pub. L. 104–134, 110 Stat. 1321; 5 U.S.C. 552; 5 U.S.C. 553; 31 U.S.C. 3711; 31 U.S.C. 3716; 31 U.S.C. 3717; 31 U.S.C. 3720A; 31 U.S.C. 3720B; 31 U.S.C. 3720C; 31 U.S.C. 3720D; 31 U.S.C. 3720E; 31 CFR parts 901–904; 31 CFR part 285; 5 U.S.C. 5514; 5 CFR part 550; 42 U.S.C. 902(a)(5).

Sec.

422.801 Scope of this subpart.
422.803 Collection activities.
422.805 Demand for payment.
422.807 Interest, penalties, and administrative costs.
422.809 Collection in installments.
422.810 Salary offset for current employees.
422.811 Discretionary referral for cross-servicing.
422.813 Mandatory referral for cross-servicing.
422.815 Referral of administrative debts to the Department of the Treasury.
422.817 Required certification.
422.819 Fees.
422.821 Administrative offset.
422.822 Notification of intent to collect by administrative offset.
422.823 Debtor rights to review or copy records, submit repayment proposals, or request administrative review.
422.824 Non-centralized administrative offset.
422.825 Centralized administrative offset.
422.827 Offset against tax refunds.
422.829 Federal salary offset.
422.833 Administrative wage garnishment for administrative debts.
422.835 Debt reporting and use of credit reporting agencies.
422.837 Contracting with private collection contractors and with entities that locate and recover unclaimed assets.
422.839 Offset against amounts payable from civil service retirement and disability fund and the Federal employees' retirement system.
422.842 Liquidation of collateral.
422.846 Bases for compromise.
422.848 Suspension and termination of collection activities.
422.850 Referrals to the Department of Justice.

## Subpart I—Administrative Claims Collection

### § 422.801 Scope of this subpart.

(a) The regulations in this part are issued under the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of (DCIA) 1996 (31 U.S.C. 3701, *et seq.*) and the Federal Claims Collection Standards (31 CFR parts 901–904) issued pursuant to the DCIA by the Department of the Treasury (Treasury) and the Department of Justice (DOJ). These authorities prescribe government-wide standards for administrative collection, compromise, suspension, or termination of agency collection action, disclosure of debt information to credit reporting agencies, referral of claims to private collection contractors for resolution, and referral to the DOJ for litigation to collect debts owed the Government. The regulations under this part also are issued under the Commissioner's general rule-making authority in the Social Security Act at section 702(a)(5), 42 U.S.C. 902(a)(5), the Treasury's regulations implementing the DCIA (31 CFR part 285), and related statutes and regulations governing the offset of Federal salaries (5 U.S.C. 5512, 5514; 5 CFR part 550, subpart K) and the Administrative Offset of tax refunds (31 U.S.C. 3720A).

(b) This subpart describes the procedures relating to the collection, compromise, and suspension of administrative debts owed to us.

(c) Administrative debts include claims against current employees, separated employees, and non-employee debtors.

(1) Employee debts include salary overpayments, advanced sick and annual leave, advanced religious compensatory time, overpayments of health benefit premiums, leave buy back, emergency employee payments, travel, and transit subsidies.

(2) Non-employee debts include vendor overpayments, reimbursable agreements, Supplemental Security Income Medicaid determinations, and economic recovery payments.

(d) This subpart does not apply to programmatic overpayments described in subparts D and E of this part, §§ 404.527 and 416.590 of this chapter.

(e) This subpart does not apply to civil monetary penalties arising from sections 1129 and 1140 of the Social Security Act and collected pursuant to part 498 of this chapter.

### § 422.803 Collection activities.

(a) We will collect all administrative debts arising out of our activities or that are referred or transferred to us for collection actions. We will send an initial written demand for payment no later than 30 days after an appropriate official determines that a debt exists.

(b) In accordance with 31 CFR 285.12(c) and (g), we transfer legally enforceable administrative debts that are 180 days or more delinquent to the Department of the Treasury (Treasury) for debt collection services (i.e., cross-servicing). This requirement does not apply to any debt that:

(1) Is in litigation or foreclosure;

(2) Will be disposed of under an approved asset sale program within one year of becoming eligible for sale;

(3) Has been referred to a private collection contractor for a period acceptable to the Secretary of the Treasury;

(4) Is at a debt collection center for a period of time acceptable to Treasury (*see* paragraph (c) of this section);

(5) Will be collected under internal offset procedures within three years after the debt first became delinquent; or

(6) Is exempt from this requirement based on a determination by Treasury that exemption for a certain class of debt is in the best interest of the United States.

(c) Pursuant to 31 CFR 285.12(h), we may refer debts less than 180 days delinquent to Treasury or, with the consent of Treasury, to a Treasury-designated debt collection center to accomplish efficient, cost effective debt collection. Referrals to debt collection centers will be at the discretion of, and for a period acceptable to, the Secretary of the Treasury. Referrals may be for servicing, collection, compromise, suspension, or termination of collection action.

(d) We may refer delinquent administrative debts to Treasury for offset through the Treasury Offset Program (TOP). Administered by Treasury, TOP's centralized offset process permits Treasury to withhold funds payable by the United States to a person in order to collect and satisfy

delinquent debts the person owes Federal agencies and States.

(e) We may collect an administrative debt by using Administrative Wage Garnishment.

(f) We may collect an administrative debt by using Federal Salary Offset.

**§ 422.805 Demand for payment.**

(a) *Written demand for payment.* (1) We will make a written demand, as described in paragraph (b) of this section, promptly to a debtor in terms that inform the debtor of the consequences of failing to cooperate with us to resolve the debt.

(2) We will send a demand letter no later than 30 days after the appropriate official determines that the debt exists. We will send the demand letter by certified mail to the debtor's last known address.

(3) When necessary to protect the Government's interest, we may take appropriate action under this part, including immediate referral to the Department of Justice (DOJ) for litigation, before sending the written demand for payment.

(b) *Demand letters.* The specific content, timing, and number of demand letters will depend upon the type and amount of the debt and the debtor's response, if any, to our letters or telephone calls.

(1) The written demand for payment will include the following information:

(i) The nature and amount of the debt, including the basis for the indebtedness;

(ii) The date by which payment should be made to avoid late charges and enforced collection, which must be no later than 30 days from the date the demand letter is mailed;

(iii) Where applicable, the standards for imposing any interest, penalties, or administrative costs are specified under § 422.807;

(iv) The rights, if any, the debtor may have to:

(A) Seek review of our determination of the debt, and for purposes of salary offset or Administrative Wage Garnishment, to request a hearing see §§ 422.810(h) and 422.833(f)); and

(B) Enter into a reasonable repayment agreement when necessary and authorized.

(v) An explanation of how the debtor may exercise any of the rights described in paragraph (b)(1)(iv) of this section;

(vi) The name, address, and phone number of a contact person or office to address any debt-related matters; and

(vii) Our remedies to enforce payment of the debt, which may include:

(A) Garnishing the debtor's wages through Administrative Wage Garnishment;

(B) Offsetting any Federal or State payments due the debtor, including income tax refunds, salary, certain benefit payments;

(C) Referring the debt to a private collection contractor;

(D) Reporting the debt to a credit bureau or other automated database;

(E) Referring the debt to the DOJ for litigation; and

(F) Referring the debt to the Department of the Treasury for any of the collection actions described in paragraphs (b)(1)(vii)(A) through (E) of this section.

(2) The written demand for payment should also include the following information:

(i) The debtor's right to review our records pertaining to the debt, or if the debtor or the debtor's representative cannot personally review the records, to request and receive copies of such records;

(ii) Our willingness to discuss alternative methods of payment with the debtor;

(iii) If a Federal employee, the debtor may be subject to disciplinary action under 5 CFR part 752 or other applicable authority;

(iv) Any amounts collected and ultimately found to not have been owed by the debtor will be refunded;

(v) For salary offset, up to 15 percent of the debtor's current disposable pay may be deducted every pay period until the debt is paid in full; and

(vi) Dependent upon applicable statutory authority, the debtor may be entitled to consideration for a waiver.

(c) *Evidence retention.* We will retain evidence of service indicating the date of mailing of the demand letter. The evidence of service may be retained electronically so long as the manner of retention is sufficient for evidentiary purposes.

(d) *Pursue offset.* Prior to, during, or after the completion of the demand process, if we determine to pursue, or are required to pursue offset, the procedures applicable to offset should be followed (see § 422.821). The availability of funds for debt satisfaction by offset and our determination to pursue collection by offset will release us from the necessity of further compliance with paragraphs (a), (b), and (c) of this section.

(e) *Communications from debtors.* Where feasible, we will respond promptly to communications from debtors within 30 days, and will advise debtors who dispute debts to furnish available evidence to support their contentions.

(f) *Exception.* This section does not require duplication of any notice already contained in a written agreement, letter, or other document signed by, or provided to, the debtor.

**§ 422.807 Interest, penalties, and administrative costs.**

(a) Except as provided in paragraphs (g), (h), and (i) of this section, we will charge interest, penalties, and administrative costs on delinquent debts owed to the United States. These charges will continue to accrue until the debtor pays the debt in full or otherwise resolves the debt through compromise, termination, or an approved waiver.

(b) *Interest.* We will charge interest on delinquent administrative debts owed the agency as follows:

(1) Interest will accrue from the date of delinquency or as otherwise provided by law. For debts not paid by the date specified in the written demand for payment made under § 422.805, the date of delinquency is the date of mailing of the notice. The date of delinquency for an installment payment is the due date specified in the payment agreement.

(2) Unless a different rate is prescribed by statute, contract, or a repayment agreement, the rate of interest charged will be the rate established annually by the Treasury pursuant to 31 U.S.C. 3717. We may charge a higher rate if necessary to protect the rights of the United States, and the Commissioner has determined and documented a higher rate for delinquent debt is required to protect the Government's interests.

(3) Unless prescribed by statute or contract, the initial rate of interest charged will remain fixed for the duration of the indebtedness. A debtor who defaults on a repayment agreement may seek to enter into a new agreement. If we agree to a new agreement, we may require additional financial information and payment of interest at a new rate that reflects the Treasury rate in effect at the time the new agreement is executed or at a higher rate consistent with subsection (b)(2). Interest will not be compounded. That is, we will not charge interest on the interest, penalties, or administrative costs required by this section, except as permitted by statute or contract. If, however, the debtor defaults on a previous repayment agreement, we will add charges that accrued but were not collected under the defaulted agreement to the principal of any new repayment agreement

(c) *Penalty.* Unless otherwise established by contract, repayment agreement, or statute, we will charge a penalty pursuant to 31 U.S.C. 3717(e)(2) and 31 CFR 901.9 on the amount due on a debt that is delinquent for more than

90 days. This charge will accrue from the date of delinquency.

(d) *Administrative costs.* We will assess administrative costs incurred for processing and handling delinquent debts. The calculation of administrative costs will be based on actual costs incurred or a valid estimate of the actual costs. Calculation of administrative costs will include all direct (personnel, supplies, etc.) and indirect collection costs, including the cost of providing a hearing or any other form of administrative review requested by a debtor and any costs charged by a collection agency under § 422.837. These charges will be assessed monthly or per payment period throughout the period that the debt is overdue. Such costs may also be in addition to other administrative costs if collection is being made for another Federal agency or unit.

(e) *Cost of living adjustment.* When there is a legitimate reason to do so, such as when calculating interest and penalties on a debt would be extremely difficult because of the age of the debt, an administrative debt may be increased by the cost of living adjustment in lieu of charging interest and penalties under this section. The cost of living adjustment is the percentage by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the debt was determined or last adjusted. Such increases to administrative debts will be computed annually.

(f) *Priority.* When a debt is paid in partial or installment payments, amounts received will be applied first to outstanding penalties, second to administrative charges, third to interest, and last to principal.

(g) *Waiver.* (1) We will waive the collection of interest and administrative costs imposed pursuant to this section on the portion of the debt that is paid within 30 days after the date on which interest began to accrue. Excepting debt affected by fraud or other misconduct, we may extend this 30-day period on a case-by-case basis if we determine that such action is in the best interest of the Government or is otherwise warranted by equity and good conscience.

(2) We may waive interest, penalties, and administrative charges charged under this section, in whole or in part, without regard to the amount of the debt, based on:

(i) The criteria set forth at § 422.846(b)(1) for the compromise of debts; or

(ii) A determination by the agency that collection of these charges is:

(A) Against equity and good conscience; or

(B) Not in the best interest of the United States.

(h) *Review.* (1) Except as provided in paragraph (h)(2) of this section, administrative review of a debt will not suspend the assessment of interest, penalties, and administrative costs. While agency review of a debt is pending, the debtor may either pay the debt or be liable for interest and related charges on the uncollected debt. When agency review results in a final determination that any amount was properly a debt and the debtor failed to pay the full amount of the disputed debt, we will collect from the debtor the amount determined to be due, and interest, penalties and administrative costs on the debt amount. We will calculate and assess interest, penalties, and administrative costs under this section starting from the date the debtor was first made aware of the debt and ending when the debt is repaid.

(2) *Exception.* Interest, penalties, and administrative cost charges will not be imposed on a debt for periods during which collection activity has been suspended under § 422.848(c)(1) pending agency review or consideration of waiver, if a statute prohibits collection of the debt during this period. This exception does not apply to interest, penalties, and administrative cost charges on debts affected by fraud or other misconduct unless a statute so requires.

(i) *Common law or other statutory authority.* We may impose and waive interest and related charges on debts not subject to 31 U.S.C. 3717 in accordance with the common law or other statutory authority.

**§ 422.809 Collection in installments.**

(a) Whenever feasible, we will collect the total amount of a debt in one lump sum payment. If a debtor claims a financial inability to pay a debt in one lump sum, by funds or Administrative Offset, we may accept payment in regular installments provided the debtor establishes the financial need and no evidence indicates that fraud or similar fault affected the debt. We will request financial statements from debtors who represent that they are unable to pay in one lump sum and independently verify such representations as described in § 422.846.

(1) When we agree to accept payments in regular installments, we will obtain a legally enforceable written agreement from the debtor that specifies all the terms and conditions of the agreement and includes a provision accelerating the debt in the event of a default.

(2) The size and frequency of the payments will reasonably relate to the size of the debt and the debtor's ability to pay. Whenever feasible, the installment agreement will provide for full payment of the debt, including interest and charges, in three years or less.

(3) When appropriate, the agreement will include a provision identifying security obtained from the debtor for the deferred payments, such as a surety bond or confession of judgment supporting a lien on any property of the debtor.

(4) An approved installment agreement does not prevent the use of Administrative Wage Garnishment or other collection tools in this subpart.

**§ 422.810 Salary offset for current employees.**

(a) *Purpose.* This part prescribes the agency's standards and procedures for the collection of debts owed by current Social Security Administration (SSA) employees to the United States through involuntary salary offset.

(b) *Authority.* 5 U.S.C. 5514; 5 CFR Part 550.

(c) *Scope.* (1) This part applies to internal collections of debt by Administrative Offset from the current pay accounts of SSA employees without his or her consent. The part does not apply to current SSA employees indebted to another Federal agency or employees who separate from SSA.

(2) The procedures contained in this part do not apply to any case where an employee consents to collection through deduction(s) from the employee's pay account, or to debts arising under the Internal Revenue Code or the tariff laws of the United States, or where another statute explicitly provides for or prohibits collection of a debt by salary offset (e.g., travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108).

(3) This part does not preclude an employee from requesting a waiver of an erroneous payment under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of a debt. Similarly, this part does not preclude an employee from requesting waiver of the collection of a debt under any other applicable statutory authority.

(4) Provided a debt is not affected by fraud and does not exceed $100,000, nothing in this part precludes the compromise of the debt or the suspension or termination of collection actions in accordance with §§ 422.846 and 422.848 of this title.

(d) *Definitions*—

*Administrative offset* means withholding funds payable by the United States to, or held by the United States for, a person to satisfy a debt owed by the payee.

*Agency* means an executive department or agency, a military department, the United States Postal Service, the Postal Rate Commission, the United States Senate, the United States House of Representatives, a court, court administrative office, or instrumentality in the judicial or legislative branches of the Government, or a Government Corporation.

*Creditor agency* means the agency to which the debt is owed, including a debt collection center when acting on behalf of a creditor agency in matters pertaining to the collection of a debt.

*Day* means calendar day. For purposes of computation, the last day of the period will be included unless it is a Saturday, Sunday, or a Federal holiday, in which case the next business day will be considered the last day of the period.

*Debt* means an amount of funds or other property determined by an appropriate official of the Federal Government to be owed to the United States from any person, organization, or entity or any other debt that meets the definition of ''claim'' or ''debt'' under 31 U.S.C. 3701(b), excluding program overpayments made under title II or title XVI of the Social Security Act

*Debt collection center* means the Department of the Treasury (Treasury) or other Government agency or division designated by the Secretary of the Treasury with authority to collect debts on behalf of creditor agencies in accordance with 31 U.S.C. 3711(g).

*Debtor* means an employee currently employed by SSA who owes a delinquent non-tax debt to the United States.

*Delinquent debt* means a debt that the debtor does not pay or otherwise resolve by the date specified in the initial demand for payment, or in an applicable written repayment agreement or other instrument, including a post-delinquency repayment agreement.

*Disposable pay* means that part of the debtor's current basic, special, incentive, retired, and retainer pay, or other authorized pay remaining after deduction of amounts required by law to be withheld. For purposes of calculating disposable pay, legally required deductions that must be applied first include: Tax levies pursuant to the Internal Revenue Code (title 26, United States Code); properly withheld taxes; Federal Insurance Contributions Act (FICA); Medicare; health, dental, vision, and life insurance premiums; and Thrift Savings Plan and retirement contributions. Amounts deducted under garnishment orders, including child support garnishment orders, are not legally permissible deductions when calculating disposable pay as specified in 5 CFR 550.1103.

*Employee* means any individual currently employed by SSA, as defined in this section, including seasonal and temporary employees and current members of the Armed Forces or a Reserve of the Armed Forces (Reserves).

*Evidence of service* means information retained by the agency indicating the nature of the document to which it pertains, the date of mailing the document, and the address and name of the debtor to whom it is being sent. A copy of the dated and signed notice provided to the debtor pursuant to this part may be considered evidence of service for purposes of this part. Evidence of service may be retained electronically so long as the manner of retention is sufficient for evidentiary purposes.

*Hearing* means a review of the documentary evidence to confirm the existence or amount of a debt or the terms of a repayment schedule. If we determine that the issues in dispute cannot be resolved by such a review, such as when the validity of the claim turns on the issue of credibility or veracity, we may provide an oral hearing.

*Hearing official* means an administrative law judge or appropriate alternate.

*Paying agency* means the agency employing the employee and authorizing the payment of his or her current pay.

*Salary offset* means an Administrative Offset to collect a debt under 5 U.S.C. 5514 owed by a current SSA employee through deductions at one or more officially established pay intervals from the current pay account of the current SSA employee without his or her consent.

*Waiver* means the cancellation, remission, forgiveness, or non-recovery of a debt owed by an employee to the agency or another agency as required or permitted by 5 U.S.C. 5584, 8346(b), 10 U.S.C. 2774, 32 U.S.C. 716, or any other law.

(e) *General rule.* (1) Whenever an employee owes us a delinquent debt, we may, subject to paragraph (e)(3) of this section, involuntarily offset the amount of the debt from the employee's disposable pay.

(2) Except as provided in paragraph (e)(3) of this section, prior to initiating collection through salary offset under this part, we will first provide the employee with the following:

(i) A notice as described in paragraph (f) of this section; and

(ii) An opportunity to petition for a hearing, and, if a hearing is provided, to receive a written decision from the hearing official within 60 days on the following issues:

(A) The determination concerning the existence or amount of the debt; and

(B) The repayment schedule, unless it was established by written agreement between the employee and us.

(3) The provisions of paragraph (e)(2) of this section do not apply to:

(i) Any adjustment to pay arising out of an employee's election of coverage or a change in coverage under a federal benefits program requiring periodic deduction from pay, if the amount to be recovered was accumulated over four pay periods or less;

(ii) A routine intra-agency adjustment of pay that is made to correct an overpayment of pay attributable to clerical or administrative errors or delays in processing pay documents, if the overpayment occurred within the four pay periods preceding the adjustment and, at the time of such adjustment, or as soon thereafter as practical, the individual is provided a notice of the nature and the amount of the adjustment and point of contact for contesting such adjustment; or

(iii) Any adjustment to collect a debt amounting to $30 or less, if, at the time of such adjustment, or as soon thereafter as practical, the individual is provided a notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment.

(f) *Notice requirements before offset.* (1) At least 30 days before the initiation of salary offset under this part, we will mail, by certified mail, to the employee's last known address, a notice informing the debtor of the following:

(i) We have reviewed the records relating to the debt and have determined that a debt is owed, the amount of the debt, and the facts giving rise to the debt;

(ii) Our intention to collect the debt by means of deduction from the employee's current disposable pay until the debt and all accumulated interest, penalties, and administrative costs are paid in full;

(iii) The amount, stated either as a fixed dollar amount or as a percentage of pay not to exceed 15 percent of disposable pay, the frequency, the commencement date, and the duration of the intended deductions;

(iv) An explanation of our policies concerning the assessment of interest, penalties, and administrative costs,

stating that such assessments must be made unless waived in accordance with 31 CFR 901.9 and § 422.807 of this subpart;

(v) The employee's right to review and copy all of our records pertaining to the debt or, if the employee or the employee's representative cannot personally review the records, to request and receive copies of such records;

(vi) If not previously provided, the opportunity to establish a schedule for the voluntary repayment of the debt through offset or to enter into an agreement to establish a schedule for repayment of the debt in lieu of offset provided the agreement is in writing, signed by both the employee and us, and documented in our files;

(vii) The right to a hearing conducted by an impartial hearing official with respect to the existence and amount of the debt, or the repayment schedule, so long as a petition is filed by the employee as prescribed in paragraph (h) of this section;

(viii) Time limits and other procedures or conditions for reviewing our records pertaining to the debt, establishing an alternative repayment agreement, and requesting a hearing;

(ix) The name, address, and telephone number of the person or office who may be contacted concerning the procedures for reviewing our records, establishing an alternative repayment agreement, and requesting a hearing;

(x) The name and address of the office to which the petition for a hearing should be sent;

(xi) A timely and properly filed petition for a hearing will suspend the commencement of the collection proceeding;

(xii) We will initiate action to effect salary offset not less than 30 days from the date of mailing the notice, unless the employee properly files a timely petition for a hearing,

(xiii) A final decision on a hearing, if one is requested, will be issued at the earliest practical date, but not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceeding;

(xiv) Notice that an employee who knowingly makes false or frivolous statements or submits false or frivolous representations or evidence may be subject to disciplinary procedures under chapter 75 of title 5, United States Code, Part 752 of title 5, CFR, or any other applicable statutes or regulations;

(xv) Any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made;

(xvi) Unless there are applicable contractual or statutory provisions to the contrary, amounts paid on or deducted for the debt that are later waived or found not owed to the United States will be promptly refunded to the employee; and

(xvii) Proceedings with respect to such debt are governed by 5 U.S.C. 5514.

(2) We will retain evidence of service indicating the date of mailing of the notice.

(g) *Review of records relating to the debt.* (1) To review or copy our records relating to the debt, the employee must send a written request stating his or her intention. The written request must be received by SSA within 15 days from the employee's receipt of the notice.

(2) In response to a timely request as described in paragraph (g)(1) of this section, we will notify the employee of the location and time when the employee may review and copy such records. If the employee or employee's representative is unable to review personally such records as the result of geographical or other constraints, we will arrange to send copies of such records to the employee.

(h) *Hearings*—(1) *Petitions for hearing.* (i) To request a hearing concerning the existence or amount of the debt or the offset schedule established by us, the employee must send a written petition to the office we identified in the notice (see paragraph (f)(1)(x) of this section) within 15 days of receipt of the notice.

(ii) The petition must:

(A) Be signed by the employee;

(B) Fully identify and explain with reasonable specificity all the facts, evidence, and witnesses, if any, that the employee believes support his or her position; and

(C) Specify whether an oral or paper hearing is requested. If an oral hearing is requested, the request should explain why the matter cannot be resolved by a paper hearing, which is a determination of the request for reconsideration based upon a review of the written record.

(iii) The timely filing of a petition for hearing will suspend any further collection proceedings.

(2) *Failure to timely request a hearing.* (i) If the petition for hearing is filed after the 15-day period provided in paragraph (h)(1)(i) of this section, we may grant the request if the employee can establish either that the delay was the result of circumstances beyond the employee's control or that the employee failed to receive actual notice of the filing deadline.

(ii) An employee waives the right to a hearing and will have his or her disposable pay offset in accordance with the offset schedule established by us, if the employee:

(A) Fails to file a timely request for a hearing unless such failure is excused; or

(B) Fails to appear at an oral hearing of which the employee was notified unless the hearing official determines that the failure to appear was due to circumstances beyond the employee's control.

(3) *Form of hearings*—(i) *General.* After the employee requests a hearing, the hearing official must notify the employee of the type of the hearing that will occur. If an oral hearing will occur, the notice will state the date, time, and location of the hearing. If a paper hearing will occur, the employee will be notified and required to submit evidence and arguments in writing to the hearing official by the date specified in the notice, after which the record will be closed.

(ii) *Oral hearing.* An employee who requests an oral hearing will be provided an oral hearing if the hearing official determines that the matter cannot be resolved by review of documentary evidence alone because an issue of credibility or veracity is involved. Where an oral hearing is appropriate, the hearing is not an adversarial adjudication and need not take the form of an evidentiary hearing, (e.g., the formal rules of evidence need not apply). Oral hearings may take the form of, but are not limited to:

(A) Informal conferences with the hearing official in which the employee and agency representative will be given full opportunities to present evidence, witnesses, and arguments;

(B) Informal meetings in which the hearing official interviews the employee by phone or videoconferencing; or

(C) Formal written submissions with an opportunity for oral presentations.

(iii) *Paper hearing.* If the hearing official determines that an oral hearing is not necessary, the hearing official will make the determination based upon a review of the available written record.

(iv) *Record.* The hearing official will maintain a summary record of any hearing conducted under this part. Witnesses who testify in oral hearings will do so under oath or affirmation.

(4) *Written decision*—(i) *Date of decision.* The hearing officer will issue a written opinion stating his or her decision, based upon documentary evidence and information developed at the hearing, as soon as practicable after the hearing, but not later than 60 days after the date on which the hearing petition was received by the creditor agency, unless the employee requested

a delay in the proceedings in which case the 60-day decision period will be extended by the number of days by which the hearing was postponed. The recipient of an employee's request for a hearing must forward the request expeditiously to the hearing official to avoid jeopardizing the hearing official's ability to issue a decision within this 60-day period.

(ii) *Content of decision.* The written decision will include:

(A) A statement of the facts presented to support the origin, nature, and amount of the debt;

(B) The hearing official's findings, analysis, and conclusions, including a determination whether the employee's petition for hearing was baseless and resulted from an intent to delay the creditor agency's collection activity; and

(C) The terms of any repayment schedule, if applicable.

(5) *Failure to appear.* In the absence of good cause shown, an employee who fails to appear at a hearing will be deemed, for the purpose of this part, to admit the existence and amount of the debt as described in the notice. If the representative of the creditor agency fails to appear, the hearing official will proceed with the hearing as scheduled and make a determination based upon oral testimony presented and the documentary evidence submitted by both parties. With the agreement of both parties, the hearing official will schedule a new hearing date, and both parties will be given notice of the time and place of the new hearing.

(i) *Obtaining the services of a hearing official.* The office designated in paragraph (f)(1)(x) of this section will schedule a hearing, if one is requested by an employee, before a hearing official.

(1) When we cannot provide a prompt and appropriate hearing before an administrative law judge or a hearing official furnished pursuant to another lawful arrangement, the office designated in paragraph (f)(1)(x) of this section may contact an agent of any agency designated in 5 CFR part 581, Appendix A to arrange for a hearing official.

(2)(i) When another agency is the creditor agency, it is the responsibility of that agency to arrange for a hearing if one is requested. We will provide a hearing official upon the request of a creditor agency when the debtor is employed by us and the creditor agency cannot provide a prompt and appropriate hearing before a hearing official furnished pursuant to another lawful arrangement.

(ii) Services rendered to a creditor agency under paragraph (i)(2)(i) of this section will be provided on a fully reimbursable basis pursuant to the Economy Act of 1932, as amended by, 31 U.S.C. 1535.

(3) The determination of a hearing official designated under this section is considered an official certification regarding the existence and amount of the debt for purposes of executing salary offset under 5 U.S.C. 5514 and this part. A creditor agency may make a certification to the Secretary of the Treasury under 5 CFR 550.1108 or a paying agency under 5 CFR 550.1109 regarding the existence and amount of the debt based on the certification of a hearing official. If a hearing official determines that a debt may not be collected via salary offset, but we find that the debt is still valid, we may still seek collection of the debt through other means, such as offset of other Federal payments or litigation.

(j) *Voluntary repayment agreement in lieu of salary offset.* (1)(i) In response to the notice, the employee may propose to establish an alternative schedule for the voluntary repayment of the debt by submitting a written request. An employee who wishes to repay the debt without salary offset will also submit a proposed written repayment agreement. The proposal will admit the existence of the debt, and the agreement must be in such form that it is legally enforceable. The agreement must:

(A) Be in writing;

(B) Be signed by both the employee and the agency;

(C) Specify all the terms of the arrangement for payment; and

(D) Contain a provision accelerating the debt in the event of default by the employee, but such an increase may not result in a deduction that exceeds 15 percent of the employee's disposable pay unless the employee has agreed in writing to a deduction of a greater amount.

(ii) Any proposal under paragraph (j)(1)(i) of this section must be received within 30 days of the date of the notice.

(2) In response to a timely request as described in paragraph (j)(1) of this section, we will notify the employee whether the proposed repayment schedule is acceptable. It is within our discretion to accept a proposed alternative repayment schedule and to set the necessary terms of a voluntary repayment agreement.

(3) No voluntary repayment agreement will be binding on us unless it is in writing and signed by both us and the employee.

(k) *Special review.* (1) An employee subject to salary offset or a voluntary repayment agreement may, at any time, request a special review by the agency of the amount of the salary offset or voluntary repayment installments based on materially changed circumstances, such as, but not limited to, catastrophic illness, divorce, death, or disability.

(2)(i) In determining whether an offset would prevent the employee from meeting essential subsistence expenses, (e.g., food, housing, clothing, transportation, and medical care), the employee must submit a detailed statement and supporting documents for the employee, his or her spouse, and dependents indicating:

(A) Income from all sources;

(B) Assets and liabilities;

(C) Number of dependents;

(D) Food, housing, clothing, transportation, and medical expenses; and

(E) Exceptional and unusual expenses, if any.

(ii) When requesting a special review under this section, the employee must file an alternative proposed offset or payment schedule and a statement, with supporting documents as described in paragraph (k)(2)(i) of this section, stating why the current salary offset or payments result in an extreme financial hardship to the employee.

(3)(i) We will evaluate the statement and supporting documents and determine whether the original offset or repayment schedule impose extreme financial hardship on the employee.

(ii) Within 30 calendar days of the receipt of the request and supporting documents, we will notify the employee in writing of such determination, including, if appropriate, a revised offset or repayment schedule.

(4) If the special review results in a revised offset or repayment schedule, we will do a new certification based on the result of the review.

(l) *Procedures for salary offset.* (1) Method and source of deductions. Unless the employee and the agency have agreed to an alternative repayment arrangement under paragraph (j) of this section, the agency will collect a debt in a lump sum or by installment deductions at officially established pay intervals from an employee's current pay account.

(2) Limitation on amount of deduction. Ordinarily, the size of installment deductions must bear a reasonable relationship to the size of the debt and the employee's ability to pay. However, the amount deducted for any pay period must not exceed 15 percent of the disposable pay from which the deduction is made unless the employee has agreed in writing to the deduction of a greater amount, as outlined in paragraph (j) of this section.

(3) *Duration of deductions*—(i) *Lump sum.* If the amount of the debt is equal to or less than 15 percent of the employee's disposable pay for an officially established pay interval, the agency will collect the debt in one lump-sum deduction including lump-sum annual leave amounts.

(ii) *Installment deductions.* If the employee is deemed financially unable to pay in one lump sum or the amount of the debt exceeds 15 percent of the employee's disposable pay for an officially established pay interval, the agency will collect the debt in installments. Except as provided in paragraphs (k)(5) and (6) of this section, installment deductions must be made over a period no longer than the anticipated period of active duty or employment.

(4) *When deductions may begin.* (i) Deductions will begin on the date stated in the notice, unless the agency and individual have agreed to an alternative repayment agreement under paragraph (j) of this section or the employee has filed a timely request for a hearing.

(ii) If the employee files a timely petition for hearing as provided in paragraph (h) of this section, the agency will begin deductions after the hearing official has provided the employee with a hearing and a final written decision has been rendered in favor of the agency.

(5) Liquidation from final check. If an employee retires, resigns, or the period of employment ends before collection of the debt is completed, the agency will offset the remainder under 31 U.S.C. 3716 from subsequent payments of any nature (e.g., final salary payment or lump-sum leave) due the employee from the paying agency as of the date of separation.

(6) Recovery from other payments due a separated employee. If the debt cannot be satisfied by offset from any final payment due the employee on the date of separation, we will liquidate the debt, where appropriate, by Administrative Offset under 31 U.S.C. 3716 from later payments of any kind due the former employee (e.g., lump-sum leave payment).

(m) *Exception to internal salary offset.* SSA may follow Administrative Offset notification requirements when attempting the collection of delinquent travel advances and training expenses, not those associated with Federal employee salary offset. Once the notification procedures have been followed, SSA has the authority to withhold all or part of an employee's salary, retirement benefits, or other amount due the employee including lump-sum payments to recover the amounts owed. No statutory or regulatory limits exist on the amount that can be withheld or offset.

(n) *Salary offset when we are the paying agency but not the creditor agency.* When we are the paying agency and another agency is the creditor agency, the creditor agency must provide written certification to Treasury that the employee owes the debt, the amount and basis of the debt, the date on which payment(s) is due, the date the Government's right to collect the debt first accrued, and that the Office of Personnel Management has approved the creditor agency's regulations implementing 5 U.S.C. 5514. We are not required or authorized to review the merits of the determination with respect to the amount or validity of the debt certified by the creditor agency.

(o) *Interest, penalties, and administrative costs.* Debts owed will be assessed interest, penalties, and administrative costs in accordance with § 422.807.

(p) *Non-waiver of rights.* An employee's involuntary payment of all or any portion of a debt collected under this part will not be construed as a waiver of any rights the employee may have under 5 U.S.C. 5514 or any other provision of law or contract unless there are statutory or contractual provisions to the contrary.

(q) *Refunds.* (1) We will promptly refund any amounts paid or deducted under this part when:

(i) A debt is waived or otherwise found not owed to us; or

(ii) We are directed by administrative or judicial order to refund amount deducted from the employee's current pay.

(2) Unless required or permitted by law or contract, refunds will not bear interest.

(r) *Additional administrative collection action.* Nothing contained in this part is intended to preclude the use of any other appropriate administrative remedy.

**§ 422.811 Discretionary referral for cross-servicing.**

We may refer legally enforceable non-tax administrative debts that are less than 180 days delinquent to the Department of the Treasury (Treasury) or to Treasury-designated ''debt collection centers'' in accordance with 31 CFR 285.12 to accomplish efficient, cost effective debt collection.

**§ 422.813 Mandatory referral for cross-servicing.**

(a) Pursuant to the cross-servicing process, creditor agencies must transfer any eligible debt more than 180 days delinquent to the Department of the Treasury (Treasury) for debt collection services. As one such agency, pursuant to 31 CFR 285.12, we are required to transfer to Treasury any legally enforceable nontax debt in excess of $25, or combination of debts less than $25 that exceeds $25 (in the case of a debtor whose taxpayer identification number (TIN) is unknown, the applicable threshold is $100) that has or have been delinquent for a period of 180 days. Treasury will take appropriate action on behalf of the creditor agency to collect, compromise, suspend, or terminate collection of the debt, including use of debt collection centers and private collection contractors to collect the debt or terminate collection action.

(b) Debts not eligible for mandatory referral of paragraph (a) of this section include:

(1) Debts owed by a Federal agency;

(2) Debts owed by a deceased debtor;

(3) Debts not legally enforceable. A debt is considered legally enforceable for purposes of referral to the Treasury's, Bureau of the Fiscal Service if there has been a final agency determination that the debt is due and there are no legal bars to collection;

(4) Debts that are the subject of an administrative appeal until the appeal is concluded and the amount of the debt is fixed;

(5) Debts owed by a debtor who has filed for bankruptcy protection or the debt has been discharged in bankruptcy proceeding; or

(6) Debts that are less than $25 (including interest, penalties, and administrative costs).

(c) A debt is considered delinquent for purposes of this section if it is 180 days past due and is legally enforceable. A debt is past due if it has not been paid by the date specified in the agency's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made. A debt is legally enforceable if there has been a final agency determination that the debt, in the amount stated, is due and there are no legal bars to collection action. Where, for example, a debt is the subject of a pending administrative review process required by statute or regulation and collection action during the review process is prohibited, the debt is not considered legally enforceable for purposes of mandatory transfer to the Treasury and is not to be transferred even if the debt is more than 180 days past due. When a final agency determination is made after an administrative appeal or review process,

the creditor agency must transfer such debt to Treasury, if more than 180 days delinquent, within 30 days after the date of the final decision.

(d) We may also refer debts owed by a foreign country upon consultation with our Office of General Counsel.

**§ 422.815 Referral of administrative debts to the Department of the Treasury.**

(a) Agencies are required by law to transfer delinquent, nontax, and legally enforceable debts to Department of the Treasury (Treasury) for collection through cross-servicing and through centralized Administrative Offset. Additionally, we may transfer debts to the Treasury for collection through Administrative Wage Garnishment. Agencies need not make duplicate referrals to Treasury for all these purposes; we may refer a debt to Treasury for purposes of simultaneous collection by cross-servicing, centralized Administrative Offset, and Administrative Wage Garnishment where applicable. However, in some instances a debt exempt from cross-servicing collection may be subject to collection by centralized Administrative Offset, so simultaneous referrals are not always appropriate.

(b) When we refer or transfer administrative debts to Treasury, or Treasury-designated debt collection centers under the authority of 31 U.S.C. 3711(g), Treasury will service, collect, or compromise the debts, or Treasury will suspend or terminate the collection action, in accordance with the statutory requirements and authorities applicable to the collection of such debts.

(c) Debts that are not required for referral include:

(1) Debts delinquent for 180 days or less;

(2) Debts less than $100 and we are unable to obtain the debtor's taxpayer identification number;

(3) Debts in litigation or foreclosure as defined in 31 CFR 385.12 (d)(2);

(4) Debts that have been referred to a private collection contractor for a period acceptable to Treasury;

(5) Debts that will be disposed of under an approved asset sale program as defined in 31 CFR 285.12(d)(3)(i);

(6) Debts that will be collected under internal offset procedures within three years after the debt first became delinquent;

(7) Debts at a debt collection center for a period of time acceptable to Treasury; or

(8) Debts exempt from this requirement based on a determination by the Secretary of the Treasury that exemption for a certain class of debt is in the best interest of the United States. Federal agencies may request that the Secretary of the Treasury exempt specific classes of debts. Any such request by an agency must be sent to the Fiscal Assistant Secretary of the Treasury by the agency Chief Financial Officer.

**§ 422.817 Required certification.**

Before referring delinquent administrative debts to the Department of the Treasury (Treasury) for collection, we will certify, in writing, that:

(a) The debts we are transferring are valid and legally enforceable;

(b) There are no legal bars to collection; and

(c) We have complied with all prerequisites to a particular collection action under the laws, regulations, or policies applicable to us, unless we agree that Treasury will do so on our behalf.

**§ 422.819 Fees.**

Federal agencies operating Department of the Treasury-designated debt collection centers are authorized to charge a fee for services rendered regarding referred or transferred debts. The fee may be paid out of amounts collected and may be added to the debt as an administrative cost.

**§ 422.821 Administrative offset.**

(a) *Scope.* (1) Administrative Offset is the withholding of funds payable by the United States to, or held by the United States for, a person to satisfy a debt. We will use Administrative Offset to recover administrative debts.

(2) This section does not apply to:

(i) Debts arising under the Social Security Act;

(ii) Payments made under the Social Security Act, except as provided for in 31 U.S.C. 3716(c), and 31 CFR 285.4;

(iii) Debts arising under, or payments made under the Internal Revenue Code or the tariff laws of the United States;

(iv) Offsets against Federal salaries to the extent these standards are inconsistent with regulations published to implement such offsets under 5 U.S.C. 5514 and 31 U.S.C. 3716 (see 5 CFR Part 550, subpart K; 31 CFR 285.7; §§ 422.810 and 422.829 of this subpart);

(v) Offsets under 31 U.S.C. 3728 against a judgment obtained by a debtor against the United States;

(vi) Offsets or recoupments under common law, State law, or Federal statutes specifically prohibiting offsets or recoupments for particular types of debts; or

(vii) Offsets in the course of judicial proceedings, including bankruptcy.

(3) Unless otherwise provided for by contract or law, debts or payments that are not subject to Administrative Offset under 31 U.S.C. 3716 may be collected by Administrative Offset under the common law or other applicable statutory authority.

(4) In bankruptcy cases, the agency may seek legal advice from the Office of General Counsel concerning the impact of the Bankruptcy Code, particularly 11 U.S.C. 106, 362, and 553, on pending or contemplated collections by offset.

**§ 422.822 Notification of intent to collect by administrative offset.**

(a) Prior to initiation of collection by Administrative Offset, we will:

(1) Send the debtor a notice by mail or hand-delivery. The notice will include the type and amount of the debt, the intention of the agency to use non-centralized Administrative Offset to collect the debt 30 days after the date of the notice, and the name of the Federal agency from which the creditor agency wishes to collect in the case of a non-centralized Administrative Offset. In addition, it will include the intent to refer the debt to the Department of the Treasury (Treasury) for collection through centralized Administrative Offset, including offset of tax refunds 60 days after the date of the notice if the debt is not satisfied by offset within the Social Security Administration or by agreement with another Federal agency, and an explanation of the debtor's rights under 31 U.S.C. 3716.

(2) Give the debtor the opportunity:

(i) To make a voluntary payment;

(ii) To review and copy agency records related to the debt;

(iii) For a review within the agency of the determination of indebtedness;

(iv) To make a written agreement to repay the debt.

(b) The procedures set forth in paragraph (a) of this section are not required when:

(1) The offset is in the nature of a recoupment;

(2) The debt arises under a contract subject to the Contracts Disputes Act or Federal Acquisition Regulations;

(3) In the case of a non-centralized Administrative Offset, the agency first learns of the existence of the amount owed by the debtor when there is insufficient time before payment would be made to the debtor/payee to allow for prior notice and an opportunity for review. When prior notice and an opportunity for review are omitted, we will give the debtor such notice and an opportunity for review as soon as practicable and will promptly refund any money ultimately found not to have been owed to the agency; or

(4) The agency previously has given a debtor any of the notice and review

opportunities required under this part, with respect to a particular debt. Subsequently, any interest accrued or any installments coming due after we initiate an offset would not require a new notice and opportunity to review.

(c) The notice will be included as part of a demand letter issued under § 422.805 to advise the debtor of all debt collection possibilities that the agency will seek to employ.

**§ 422.823 Debtor rights to review or copy records, submit repayment proposals, or request administrative review.**

(a) A debtor who intends to review or copy our records with respect to the debt must notify us in writing within 30 days of the date of the notice as described in section § 422.822. In response, we will notify the debtor of the location, time, and any other conditions for reviewing and copying. The debtor may be liable for reasonable copying expenses.

(b) In response to the notice as described in section § 422.822, the debtor may propose a written agreement to repay the debt as an alternative to Administrative Offset. Any debtor who wishes to do this must submit a written proposal for repayment of the debt, which we must receive within 30 days of the date of the notice as described in section § 422.822 or 15 days after the date of a decision adverse to the debtor. In response, we will notify the debtor whether we need additional information, for example, of his or her financial status. We will obtain any necessary authorization required to approve the agreement, and we will issue a written determination whether the proposed agreement is acceptable. In exercising our discretion, we will balance the Government's interest in collecting the debt against fairness to the debtor.

(c) A debtor must request an administrative review of the debt within 30 days of the date of the notice as described in section § 422.822 for purposes of a proposed collection by non-centralized Administrative Offset pursuant to § 422.824. A debtor must request an administrative review of the debt within 60 days of the date of the notice as described in section § 422.822 for purposes of a proposed collection by centralized Administrative Offset for offset against other Federal payments that would include tax refunds pursuant to § 422.825.

(1) For purposes of this section, whenever we are required to provide a debtor a review within the agency, we will give the debtor a reasonable opportunity for an oral hearing, either by telephone or in person, when the debtor requests reconsideration of the debt and we determine that the question of the indebtedness cannot be resolved by review of the documentary evidence.

(2) Unless otherwise required by law, an oral hearing under this section is not required to be a formal evidentiary hearing, although we will carefully document all significant matters discussed at the hearing.

(3) An oral hearing is not required with respect to debts where determinations of indebtedness rarely involve issues of credibility or veracity, and we have determined that a review of the written record is adequate to correct prior mistakes.

(4) In those cases when an oral hearing is not required by this section, we will provide the debtor a paper hearing, that is, a determination of the request for reconsideration based upon a review of the written record.

**§ 422.824 Non-centralized administrative offset.**

(a) Unless otherwise prohibited by law, when centralized Administrative Offset under § 422.825 is not available or appropriate, we may collect a past due, legally enforceable, nontax delinquent debt by conducting non-centralized Administrative Offset internally or in cooperation with the agency certifying or authorizing payments to the debtor. Generally, non-centralized Administrative Offsets are ad hoc case-by-case offsets that an agency conducts at its own discretion, internally or in cooperation with a second agency certifying or authorizing payments to the debtor. In these cases, we may make a request directly to a payment authorizing agency to offset a payment due a debtor to collect a delinquent debt. We adopt the procedures in 31 CFR 901.3(c) so that we may request the Department of the Treasury or any other payment authorizing agency to conduct a non-centralized Administrative Offset.

(b) Administrative Offset may be initiated only after:

(1) The debtor has been sent a notice of the type and amount of the debt, the intention to initiate Administrative Offset to collect the debt, and an explanation of the debtor's rights under 31 U.S.C. 3716; and

(2) The debtor has been given:

(i) The opportunity to review and copy records related to the debt;

(ii) The opportunity for a review within the department of the determination of indebtedness; and

(iii) The opportunity to make a written agreement to repay the debt.

(c) The agency may omit the requirements under paragraph (b) of this section when:

(1) Offset is in the nature of a recoupment (i.e., the debt and the payment to be offset arise out of the same transaction or occurrence);

(2) The debt arises under a contract as set forth in *Cecile Industries, Inc.* v. *Cheney,* 995 F.2d 1052 (Fed. Cir. 1993) (notice and other procedural protections set forth in 31 U.S.C. 3716(a) do not supplant or restrict established procedures for contractual offsets covered by the Contracts Disputes Act); or

(3) In the case of non-centralized Administrative Offset conducted under paragraph (a) of this section, the agency first learns of the existence of the amount owed by the debtor when there is insufficient time before payment would be made to the debtor to allow for prior notice and an opportunity for review. When prior notice and an opportunity for review are omitted, we will give the debtor such notice and an opportunity for review as soon as practical and will promptly refund any money ultimately found not to have been owed to the Government.

(d) When the debtor previously has been given any of the required notice and review opportunities with respect to a particular debt, such as under § 422.805, we need not duplicate such notice and review opportunities before Administrative Offset may be initiated.

(e) Before requesting that a payment authorizing agency conduct non-centralized Administrative Offset, we will:

(1) Provide the debtor with due process as set forth in paragraph (b) of this section; and

(2) Provide the payment authorizing agency written certification that the debtor owes the past due, legally enforceable delinquent debt in the amount stated and that we have fully complied with this section.

(f) When a creditor agency requests that we, as the payment authorizing agency, conduct non-centralized Administrative Offset, we will comply with the request, unless the offset would not be in the best interest of the United States with respect to the program of the agency, or would otherwise be contrary to law. Appropriate use should be made of the cooperative efforts of other agencies in effecting collection by Administrative Offset, including salary offset.

(g) When collecting multiple debts by non-centralized Administrative Offset, we will apply the recovered amounts to those debts in accordance with the best interests of the United States, as

determined by the facts and circumstances of the particular case, particularly the applicable statute of limitations.

**§ 422.825 Centralized administrative offset.**

(a) *Mandatory referral.* After we provide and meet the notice and review opportunity requirements of § 422.822, we will refer debts that are over 180 days delinquent to the Department of the Treasury (Treasury) for collection through centralized Administrative Offset 61 days after the date of the notice provided in accordance with § 422.822. If the debtor seeks review, referral of the debt must occur within 30 days of the final decision upholding our decision to offset the debt if the debt is more than 180 days delinquent.

(b) *Discretionary referral.* After we provide and meet the notice and review opportunity requirements of § 422.822, and the debtor does not request administrative review or the result of the review is unsuccessful for the debtor, we may refer a debt that is less than 180 days delinquent.

(c) *Procedures for referral.* We will refer debts to Treasury for collection in accordance with Treasury procedures set forth in 31 CFR 285.5 and 31 CFR 901.3 (b).

**§ 422.827 Offset against tax refunds.**

We will take action to effect Administrative Offset against tax refunds due to debtors in accordance with the provisions of 31 U.S.C. 3720A through referral for centralized Administrative Offset under § 422.825.

**§ 422.829 Federal salary offset.**

(a) *Referral to the Department of the Treasury for offset.* (1) The Department of the Treasury (Treasury) will recover overdue administrative debts by offsetting Federal payments due the debtor through the Treasury Offset Program (TOP). TOP is a government-wide delinquent debt matching and payment offset process operated by Treasury, whereby debts owed to the Federal Government are collected by offsetting them against Federal payments owed the debtor. Federal payments owed the debtor include current ''disposable pay,'' defined in 5 CFR 550.1103, owed by the Federal Government to a debtor who is an employee of the Federal Government. Deducting from such disposable pay to collect an overdue debt owed by the employee is called ''Federal Salary Offset'' in this subpart.

(2) Treasury will use Federal Salary Offset to collect overdue administrative debts from Federal employees, including employees of the Social Security Administration. A Federal employee's involuntary payment of all or part of a debt collected by Federal Salary Offset does not amount to a waiver of any rights that the employee may have under any statute or contract, unless a statute or contract provides for waiver of such rights.

(b) *Debts we will refer.* We will refer all qualifying administrative debts that meet or exceed the threshold amounts used by Treasury for collection from Federal payments, including Federal salaries.

(c) *Notice to debtor.* Before we refer any administrative debt for collection by Administrative Offset, we will send the debtor a notice that explains all of the following:

(1) The nature and amount of the debt;

(2) That we have determined that payment of the debt is overdue; and

(3) That we will refer the debt for Administrative Offset (except as provided in paragraph (c)(9) of this section) at the expiration of not less than 60 calendar days after the date of the notice unless, within that 60-day period:

(i) The debtor pays the full amount of the debt, or

(ii) The debtor takes any of the actions described in paragraphs (c)(6) or (7) of this section.

(4) The frequency and amount of any Federal Salary Offset deduction (the payment schedule) expressed as a fixed dollar amount or percentage of disposable pay.

(5) The debtor may review or copy our records relating to the debt. If the debtor or his or her representative cannot personally review the records, the debtor may request and receive a copy of such records.

(6) The debtor may request a review of the debt by giving us evidence showing that the debtor does not owe all or part of the amount of the debt or that we do not have the right to collect it. The debtor may also request review of any payment schedule for Federal Salary Offset stated in the notice. If the debtor is an employee of the Federal Government and Federal Salary Offset is proposed, an official designated in accordance with 5 U.S.C. 5514(a)(2) will conduct the review.

(7) The debtor may request to repay the debt voluntarily through an installment payment plan.

(8) If the debtor knowingly furnishes any false or frivolous statements, representations, or evidence, the debtor may be subject to appropriate disciplinary procedures under applicable statutes or regulations when the debtor is a Federal employee.

(9) We will refer the debt for Federal Salary Offset at the expiration of not less than 60 calendar days after the date of the notice unless, within that 60 day period, the debtor takes any actions described in paragraphs (c)(3)(i) or (c)(6) or (7) of this section.

(d) *Federal Salary Offset: amount, frequency and duration of deductions.* (1) Treasury may collect the overdue debt from an employee of the Federal Government through the deduction of an amount not to exceed 15 percent of the debtor's current disposable pay each payday.

(2) Federal Salary Offset will begin not less than 60 calendar days after the date of the notice to the debtor described in paragraph (c) of this section.

(3) Once begun, Federal Salary Offset will continue until Treasury recovers the full amount of the debt, the debt is otherwise resolved, or the debtor's Federal employment ceases, whichever occurs first.

(4) After Federal Salary Offset begins, the debtor may request a reduction in the amount deducted from disposable pay each payday. When Treasury determines that the amount deducted causes financial harm under the rules in § 422.833(j), they will reduce that amount. Treasury will not reduce the amount from the debtor's disposable pay if the debt was caused by:

(A) An intentional false statement by the debtor, or

(B) The debtor's willful concealment of, or failure to furnish, material information.

(2) ''Willful concealment'' means an intentional, knowing and purposeful delay in providing, or failure to reveal, material information.

(e) *Refunds.* Treasury will promptly refund to the debtor any amounts collected that the debtor does not owe. Refunds do not bear interest unless required or permitted by law or contract.

**§ 422.833 Administrative wage garnishment for administrative debts.**

(a) *Purpose.* This part prescribes the standards and procedures for collecting money from a debtor's disposable pay by means of Administrative Wage Garnishment to satisfy delinquent non-tax debts owed to the United States.

(b) *Authority.* These standards and procedures are authorized under the wage garnishment provisions of the Debt Collection Improvement Act of 1996, codified at 31 U.S.C. 3720D, and the Department of the Treasury's (Treasury) Administrative Wage

Garnishment regulation at 31 CFR 285.11.

(1) This part will apply notwithstanding any provision of State law.

(2) Nothing in this part precludes the compromise of a debt or the suspension or termination of collection action in accordance with § 422.803 of this subpart or other applicable law or regulation, and the Commissioner has retained the authority. The Department of Justice has exclusive authority to suspend or terminate collection action on a debt affected by fraud.

(3) The receipt of payments pursuant to this part does not preclude us from pursuing other debt collection remedies, including the offset of Federal or State payments to satisfy delinquent non-tax debt owed to the United States. We will pursue such debt collection remedies separately or in conjunction with Administrative Wage Garnishment.

(4) This section does not apply to the collection of delinquent non-tax debts owed to the United States from the wages of Federal employees from their Federal employment. Federal pay is subject to the Federal Salary Offset procedures set forth in 5 U.S.C. 5514 and other applicable laws.

(5) Nothing in this section requires us to duplicate notices or administrative proceedings required by contract or other laws or regulations.

(c) *Definitions.* In this section, the following definitions will apply:

*Business day* means Monday through Friday. For purposes of computation, the last day of the period will be included unless it is a Federal legal holiday, in which case the next business day following the holiday will be considered the last day of the period.

*Day* means calendar day. For purposes of computation, the last day of the period will be included unless it is a Saturday, Sunday, or a Federal legal holiday, in which case the next business day will be considered the last day of the period.

*Debt* means an amount of funds or other property determined by an appropriate official of the Federal Government to be owed to the United States from any person, organization, or entity or any other debt that meets the definition of ''claim'' or ''debt'' under 31 U.S.C. 3701(b), excluding program overpayments made under title II or title XVI of the Social Security Act.

*Debtor* means an individual who owes a delinquent non-tax debt to the United States.

*Delinquent debt* means any non-tax debt that has not been paid by the date specified in the agency's initial written demand for payment, or applicable payment agreement or instrument, unless other satisfactory payment arrangements have been made. For purposes of this part, ''delinquent'' and ''overdue'' have the same meaning.

*Disposable pay* means that part of the debtor's compensation (including, but not limited to, salary, bonuses, commissions, and vacation pay) from an employer remaining after the deduction of health insurance premiums and any amounts required by law to be withheld. For purposes of this part, ''amounts required by law to be withheld'' include amounts for deductions such as social security taxes and withholding taxes, but do not include any amount withheld pursuant to a court order.

*Employer* means a person or entity that employs the services of others and that pays their wages or salaries. The term employer includes, but is not limited to, State and local Governments, but does not include an agency of the Federal Government as defined by 31 CFR 285.11(c).

*Garnishment* means the process of withholding amounts from an employee's disposable pay and paying those amounts to a creditor in satisfaction of a withholding order.

*Hearing* means a review of the documentary evidence concerning the existence or amount of a debt or the terms of a repayment schedule, provided such repayment schedule is established other than by a written agreement entered into pursuant to this part. If the hearing official determines that the issues in dispute cannot be resolved solely by review of the written record, such as when the validity of the debt turns on the issue of credibility or veracity, an oral hearing may be provided.

*Hearing official* means an administrative law judge or appropriate alternate.

*Treasury* means the Department of the Treasury.

*Withholding order* for purposes of this part means ''Wage Garnishment Order (SF329B).'' Also for purposes of this part, the terms ''wage garnishment order'' and ''garnishment order'' have the same meaning as ''withholding order.''

(d) *General rule.* (1) Except as provided in paragraph (d)(2) of this section, whenever an individual owes a delinquent debt, the agency or another Federal agency collecting a debt on our behalf (see § 422.803) may initiate administrative proceedings to garnish the wages of the delinquent debtor.

(2) Treasury will not garnish the wages of a debtor who we know has been involuntarily separated from employment until the debtor has been re-employed continuously for at least 12 months. The debtor has the burden to inform the agency of the circumstances surrounding an involuntary separation from employment.

(e) *Notice*—(1) *Notice requirements.* At least 30 days before the initiation of garnishment proceedings, Treasury will mail, by first class mail, to the debtor's last known address, a notice informing the debtor of:

(i) The nature and amount of the debt;

(ii) The intention to initiate proceedings to collect the debt through deductions from pay until the debt and all accumulated interest, penalties, and administrative costs are paid in full;

(iii) The debtor's right:

(A) To review and copy our records related to the debt;

(B) To enter into a written repayment which is agreeable to the agency;

(C) To a hearing, in accordance with paragraph (f) of this section, concerning the existence or the amount of the debt or the terms of the proposed repayment schedule under the garnishment order, except that the debtor is not entitled to a hearing concerning the proposed repayment schedule if the terms were established by written agreement pursuant to paragraph (1)(iii)(B) of this section; and

(iv) The periods within which the debtor may exercise his or her rights.

(2) *Treasury will keep a copy of the dated notice.* The notice may be retained electronically so long as the manner of retention is sufficient for evidentiary purposes.

(f) *Hearing*—(1) *In general.* Upon timely written request of the debtor, Treasury will provide a paper or oral hearing concerning the existence or amount of the debt, or the terms of a repayment schedule established other than by written agreement under paragraph (e)(1)(iii)(2) of this section.

(2) *Request for hearing.* (i) The request for a hearing must be signed by the debtor, state each issue being disputed, and identify and explain with reasonable specificity all facts and evidence that the debtor believes support the debtor's position. Supporting documentation identified by the debtor should be attached to the request.

(ii) *Effect of timely request.* Subject to paragraph (f)(10) of this section, if the debtor's written request is received on or before the 15 business days following the mailing of the notice required under this part, a withholding order will not be issued under paragraph (g) of this section until the debtor has been provided the requested hearing and a decision in accordance with paragraphs

(f)(7) and (8) of this section has been rendered.

(iii) *Failure to timely request a hearing.* If the debtor's written request is received after the 15th business day following the mailing of the notice required under this part, Treasury will provide a hearing to the debtor. However, Treasury may not delay the issuance of a withholding order unless they determine that the delay in submitting such request was caused by factors beyond the control of the debtor, or receive information that they determine justifies a delay or cancellation of the withholding order.

(3) *Oral hearing.* (i) For purposes of this section, a debtor will be provided a reasonable opportunity for an oral hearing when the hearing official determines that the issues in dispute cannot be resolved by review of the documentary evidence, such as when the validity of the claim turns on the issue of credibility or veracity.

(ii) If the hearing official decides to have a hearing, a debtor can specify to Treasury whether he or she wants to appear in person or by telephone. At the debtor's option, the oral hearing may be conducted in person or by telephone conference. The hearing official will notify the debtor of the date, time, and in the case of an in-person hearing, the location of the hearing. All travel expenses incurred by the debtor in connection with an in-person hearing will be borne by the debtor.

(4) *Paper hearing.* (i) If the hearing official determines an oral hearing is not required by this section, the hearing official will afford the debtor a paper hearing, that is, the issues in dispute will be decided based upon a review of the written record.

(ii) The hearing official will notify the debtor of the deadline for the submission of additional evidence if necessary for a review of the record.

(5) *Burden of proof.* (i) Treasury has the initial burden of proving the existence or amount of the debt.

(ii) Thereafter, if the debtor disputes the existence or amount of the debt must present Treasury preponderant evidence that no debt exists or that the amount is incorrect. Debtors challenging the terms of a repayment schedule must provide preponderant evidence to Treasury that the terms of the repayment schedule are unlawful, would cause the debtor financial hardship, or that operation of law prohibits collection of the debt.

(6) *Record.* The hearing official will maintain a summary record of any hearing provided under this part. A hearing is not required to be a formal evidentiary-type hearing, but witnesses who testify in an oral hearing must do so under oath or affirmation.

(7) *Date of decision.* (i) The hearing official will issue a written decision, as soon as practicable, but no later than 60 days after the date on which the request for the hearing was received by the agency.

(ii) If the hearing official is unable to provide the debtor with a hearing and render a decision within 60 days after the receipt of the request for such hearing:

(A) A withholding order may not be issued until the hearing is held and a decision is rendered; or

(B) A withholding order previously issued to the debtor's employer must be suspended beginning on the 61st day after the receipt of the hearing request and continuing until a hearing is held and a decision is rendered.

(8) *Content of decision.* The written decision will include:

(i) A summary of the facts presented;

(ii) The hearing official's findings, analysis, and conclusions; and

(iii) The terms of any repayment schedule, if applicable.

(9) *Final agency action.* The hearing official's decision will be the final agency action for the purposes of judicial review under the Administrative Procedure Act. 5 U.S.C. 701 et seq.

(10) *Failure to appear.* In the absence of good cause shown, a debtor who fails to appear at a hearing will be deemed as not having timely filed a request for a hearing.

(g) *Withholding order.* (1) Unless Treasury receives information that determines a justified delay or cancellation of a withholding order, Treasury will send, by first class mail, an SF–329A ''Letter to Employer & Important Notice to Employer,'' an SF–329B ''Wage Garnishment Order,'' an SF–329C ''Wage Garnishment Worksheet,'' and an SF–329D ''Employer Certification'' to the debtor's employer within 30 days after the debtor fails to make a timely request for a hearing or, if the timely request for a hearing is made by the debtor, within 30 days after a final decision is made by the agency to proceed with garnishment.

(h) *Certification by employer.* The employer must complete and return the SF–329D ''Employer Certification'' within 20 days of receipt.

(i) *Amounts withheld.* (1) After receipt of a withholding order issued under this part, the employer will deduct from all disposable pay paid to the debtor during each pay period the amount of garnishment described in paragraph (i)(2) of this section. The employer may use the SF–329C ''Wage Garnishment Worksheet'' to calculate the amount to be deducted from the debtor's disposable pay.

(2) Subject to paragraphs (i)(3) and (4) of this section, the amount of garnishment will be the lesser of:

(i) The amount indicated on the garnishment order up to 15 percent of the debtor's disposable pay; or

(ii) The amount set forth in 15 U.S.C. 1673(a)(2) (Maximum allowable garnishment). The amount set forth at 15 U.S.C. 1673(a)(2) is the amount by which a debtor's disposable pay exceeds an amount equivalent to thirty times the minimum wage. See 29 CFR 870.10.

(3)(i) Except as provided in paragraph (i)(3)(ii) of this section, when a debtor's pay is subject to multiple withholding orders, unless otherwise provided by Federal law, withholding orders issued pursuant to this part will have priority over other withholding orders that are served later.

(ii) Notwithstanding the foregoing, withholding orders for family support will have priority over withholding orders issued under this part.

(iii) If amounts are being withheld from a debtor's pay pursuant to a withholding order served on an employer before a withholding order issued pursuant to this part, or if a withholding order for family support is served on an employer at any time, the amounts withheld pursuant to a withholding order issued under this part will be the lesser of:

(A) The amount calculated under paragraph (i)(3)(iii)(B) of this section; or

(B) An amount equal to 25 percent of the debtor's disposable pay less the amount(s) withheld under the withholding order(s) with priority.

(4) If the debtor owes more than one debt to the agency, Treasury will issue multiple withholding orders provided that the total amount garnished from the debtor's pay for such orders does not exceed the amount set forth in paragraph (i)(2) of this section.

(5) An amount greater than that set forth in paragraph (i)(2) or (3) of this section may be withheld with the debtor's written consent.

(6) The employer will promptly pay all amounts withheld in accordance with the withholding order issued pursuant to this part.

(7) The employer is not required to vary its normal pay and disbursement cycles in order to comply with the withholding order.

(8) Any assignment or allotment by an employee will be void to the extent it interferes with or prohibits execution of the withholding order issued under this part, except for any assignment or

allotment made pursuant to a family support judgment or order.

(9) The employer will withhold the appropriate amount from the debtor's wages for each pay period until the employer receives notification from the agency to discontinue wage withholding.

(10) The withholding order, SF–329B ''Wage Garnishment Order,'' sent to the employer under paragraph (g) of this section, requires the employer to commence wage withholding on the first payday after the employer receives the order. However, if the first payday is within 10 days after receipt of the order, the employer may elect to begin deductions on the second payday.

(11) An employer may not discharge, refuse to employ, or take disciplinary action against any debtor because of the issuance of a withholding order under this part.

(j) *Financial hardship.* (1) A debtor whose wages are subject to a withholding order may, at any time, request a review by Treasury of the amount garnished, based on materially changed circumstances, such as disability, divorce, or catastrophic illness, which result in financial hardship.

(2) A debtor requesting review under paragraph (j)(1) of this section will submit the basis for the claim that the current amount of garnishment results in a financial hardship to the debtor, along with supporting documentation. Treasury will consider any information submitted in accordance with this part.

(3) If Treasury finds financial hardship, to reflect the debtor's financial condition, Treasury will downwardly adjust the amount garnished by an amount and for a period established by the agency. Treasury will notify the employer of any adjustments in the amount to be withheld.

(k) *Fraud and willful concealment or failure to furnish information.* Treasury will not reduce the amount that the employer withholds from disposable pay if the debt was caused by an intentional false statement.

(l) *Refunds.* (1) If the hearing official, pursuant to a hearing under this part, determines that a debt is not legally due and owing to the United States, Treasury will promptly refund any amount collected by means of Administrative Wage Garnishment.

(2) Unless required by Federal law or contract, refunds under this part will not bear interest.

(m) *Ending garnishment.* (1) Once Treasury has fully recovered the amounts owed by the debtor, including interest, penalties, and administrative costs assessed pursuant to and in accordance with § 422.803 of this title, Treasury will send the debtor's employer notification to discontinue wage withholding.

(2) At least annually, Treasury will review debtors' accounts to ensure that garnishment has ended for accounts that have been paid in full.

(n) *Employers' responsibilities and right of action.* (1) The employer of a debtor subject to wage withholding pursuant to this part will pay the agency as directed in a withholding order issued under this part.

(2) Treasury may bring suit against an employer for any amount that the employer fails to withhold from wages owed and payable to a debtor in accordance with paragraphs (g) and (i) of this section, plus attorney's fees, costs, and, if applicable, punitive damages.

(3) A suit under this section may not be filed before the end of the collection action involving a particular debtor, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations period. For purposes of this section, ''end of collection action'' occurs when we have completed taking collection action in accordance with Part 422, subpart I of this title or other applicable law or regulation.

(4) Notwithstanding any other provision or action referred to in this section, the end of the collection action will be deemed to occur one (1) year after the agency does not receive any payment of wages that were subject to a garnishment order issued under this part.

**§ 422.835 Debt reporting and use of credit reporting agencies.**

(a) *Reporting delinquent debts.* (1) We may report delinquent debts over $25 to credit bureaus or other automated databases.

(2) We will report administrative debts owed by individuals to consumer reporting agencies pursuant to 5 U.S.C. 552a(b)(12). We may disclose only the individual's name, address, and Social Security number and the nature, amount, status, and history of the debt.

(3) Once we refer a debt the Department of the Treasury (Treasury) for collection, Treasury may handle any subsequent reporting to or updating of a credit bureau or other automated database.

(4) Where there is reason to believe that a debtor has filed a bankruptcy petition, prior to proceeding under this paragraph (a), we will contact the Office of the General Counsel for legal advice concerning the impact of the Bankruptcy Code, particularly with respect to the applicability of the automatic stay, 11 U.S.C. 362, and the procedures for obtaining relief from such stay.

(5) If the debtor has not received prior notice under § 422.805, before reporting a delinquent debt under this section, we will provide the debtor at least 60 days notice including:

(i) The amount and nature of the debt;

(ii) That the debt is delinquent and that we intend to report the debt to a credit bureau;

(iii) The specific information that we will disclose;

(iv) The right to dispute the accuracy and validity of the information being disclosed; and

(v) If a previous opportunity was not provided, the right to request review of the debt or rescheduling of payment.

(b) *Use of credit reporting agencies.* We may use credit-reporting agencies to determine a debtor's ability to repay a debt and to locate debtors. In the case of an individual, we may disclose, as a routine use under 5 U.S.C. 552a(b)(3), only the individual's name, address, and Social Security number, and the purpose for which the information will be used.

**§ 422.837 Contracting with private collection contractors and with entities that locate and recover unclaimed assets.**

(a) Subject to the provisions of paragraph (b) of this section, we may contract with private collection contractors to recover delinquent debts, if:

(1) We retain the authority to resolve disputes, compromise debts, suspend or terminate collection action, and, as appropriate, to refer debts to the Department of Justice for review and litigation;

(2) The private collection contractor is not allowed to offer the debtor, as an incentive for payment, the opportunity to pay the debt less the private collection contractor's fee, unless we have granted such authority prior to the offer;

(3) The contract provides that the private collection contractor is subject to the Privacy Act of 1974 to the extent specified in 5 U.S.C. 552a(m) and to applicable Federal and State laws and regulations pertaining to debt collection practices, including, but not limited, to the Fair Debt Collection Practices Act, 15 U.S.C. 1692; and

(4) The private collection contractor is required to account for all amounts collected.

(b) We will use government-wide debt collection contracts to obtain debt collection services provided by private collection contractors. However, we may refer debts to private collection

contractors pursuant to a contract between the agency and the private collection contractor only if such debts are not subject to the requirement to transfer debts to the Treasury for debt collection under 31 U.S.C. 3711(g) and 31 CFR 285.12(e).

(c) Debts arising under the Social Security Act (which can be collected by private collection contractors only by Department of the Treasury (Treasury) after the debt has been referred to Treasury for collection) are excluded from this section.

(d) We may fund private collection contractor contracts in accordance with 31 U.S.C. 3718(d) or as otherwise permitted by law. A contract under paragraph (a) of this section may provide that the fee a private collection contractor charges the agency for collecting the debt is payable from the amounts collected.

(e) We may enter into contracts for locating and recovering assets of the United States, including unclaimed assets. However, before entering into a contract to recover assets of the United States that may be held by a State Government or financial institution, we must establish procedures that are acceptable to the Secretary of the Treasury.

(f) We enter into contracts for debtor asset and income search reports. In accordance with 31 U.S.C. 3718(d), such contracts may provide that the fee a contractor charges the agency for such services may be payable from the amounts recovered unless otherwise prohibited by statute.

**§ 422.839 Offset against amounts payable from civil service retirement and disability fund and the Federal employees' retirement system.**

Upon providing the Office of Personnel Management (OPM) written certification that a debtor has been afforded the procedures provided in § 422.823 of this subpart, we may request OPM to offset a debtor's anticipated or future benefit payments under the Civil Service Retirement and Disability Fund (Fund) and the Federal Employees' Retirement System (FERS) in accordance with regulations codified at 5 CFR 831.1801 through 831.1808, and 5 CFR part 845, subpart D. Upon receipt of such a request, OPM will identify and ''flag'' a debtor's account in anticipation of the time when the debtor requests, or becomes eligible to receive, payments from the Fund or FERS.

**§ 422.842 Liquidation of collateral.**

(a)(1) If the debtor fails to pay the debt(s) within a reasonable time after demand and if such action is in the best interests of the United States, we will liquidate security or collateral through the exercise of a power of sale in the security instrument or a non-judicial foreclosure and apply the proceeds to the applicable debt(s).

(2) Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety, insurer, or guarantor unless such action is expressly required by statute or contract.

(3) We will give the debtor reasonable notice of the sale and an accounting of any surplus proceeds and will comply with other requirements under law or contract.

(b) Where there is reason to believe that a bankruptcy petition has been filed with respect to a debtor, we will contact the Office of the General Counsel for legal advice concerning the impact of the Bankruptcy Code, particularly with respect to the applicability of the automatic stay, 11 U.S.C. 362, and the procedures for obtaining relief from such stay prior to proceeding under paragraph (a) of this section.

**§ 422.846 Bases for compromise.**

(a) *Scope and application*—(1) *Scope.* The standards set forth in this subpart apply to the compromise of administrative debts pursuant to 31 U.S.C. 3711. We may exercise such compromise authority for debts arising out of activities of, or referred or transferred for collection services to, the agency when the amount of the debt then due, exclusive of interest, penalties, and administrative costs, does not exceed $100,000 or any higher amount authorized by the Attorney General.

(2) *Application.* Unless otherwise provided by law, when the principal balance of a debt, exclusive of interest, penalties, and administrative costs, exceeds $100,000 or any higher amount authorized by the Attorney General, the authority to accept a compromise rests with the Department of Justice (DOJ). We will evaluate the compromise offer using the factors set forth in this subpart. If an offer to compromise any debt in excess of $100,000 is acceptable to the agency, we will refer the debt to the Civil Division or other appropriate litigating division in the DOJ using a Claims Collection Litigation Report (CCLR). A CCLR may be obtained from the DOJ's National Central Intake Facility. The referral will include appropriate financial information and a recommendation for the acceptance of the compromise offer. The DOJ approval is not required if we reject a compromise offer.

(b) *Bases for compromise*—(1) *Compromise.* We may compromise a debt if the agency cannot collect the full amount based upon the debtor's inability to pay, inability to collect the full debt, cost of collection, or doubtful debt can be proven in court.

(i) *Inability to pay.* We may compromise a debt if the debtor is unable to pay the full amount in a reasonable time, as verified through credit reports or other financial information. In determining a debtor's inability to pay the full amount of the debt within a reasonable time, we will obtain and verify the debtor's claim of inability to pay by using credit reports and/or a current financial statement from the debtor, executed under penalty of perjury, showing the debtor's assets, liabilities, income, and expenses. We may use a financial information form used in connection with the agency's programs or may request suitable forms from the DOJ or the local United States Attorney's Office. We also may consider other relevant factors such as:

(A) Age and health of the debtor;

(B) Present and potential income;

(C) Inheritance prospects;

(D) The possibility that assets have been concealed or improperly transferred by the debtor; and

(E) The availability of assets or income that may be realized by enforced collection proceedings.

(ii) *Inability to collect full debt.* We may compromise a debt if the Government is unable to collect the debt in full within a reasonable time by enforced collection proceedings.

(A) In determining the Government's ability to enforce collection, we will consider the applicable exemptions available to the debtor under State and Federal law, and we may also consider uncertainty as to the price any collateral or other property will bring at a forced sale.

(B) A compromise affected under this section should be for an amount that bears a reasonable relation to the amount that can be recovered by enforced collection procedures, with regard to any exemptions available to the debtor and the time that collection will take.

(iii) *Cost of collection.* We may compromise a debt if the cost of collecting the debt does not justify the enforced collection of the full amount.

(A) The amount accepted in compromise of such debts may reflect an appropriate discount for the administrative and litigation costs of collection, with consideration given to the time it will take to effect collection. Collection costs may be a substantial factor in the settlement of small debts.

(B) In determining whether the costs of collection justify enforced collection of the full amount, we will consider whether continued collection of the debt, regardless of cost, is necessary to further an enforcement principal, such as the Government's willingness to pursue aggressively defaulting and uncooperative debtors.

(iv) *Doubtful debt can be proven in court.* We may compromise a debt if there is significant doubt concerning the Government's ability to prove its case in court.

(A) If significant doubt exists concerning the Government's ability to prove its case in court for the full amount claimed, either because of the legal issues involved or because of a legitimate dispute as to the facts, then the amount accepted in compromise should fairly reflect the probabilities of successful prosecution to judgment, with due regard to the availability of witnesses and other evidentiary support for the Government's claim.

(B) In determining the litigation risks involved, we will consider the probable amount of court costs and attorney fees a court may impose pursuant to the Equal Access to Justice Act, 28 U.S.C. 2412, if the Government is unsuccessful in litigation.

(2) Installments. We may not accept compromises payable in installments. This is not an advantageous form of compromise in terms of time and administrative expense. If, however, payment in installments is necessary in cases of compromise based on paragraphs (b)(1)(i) through (iii) of this section, we will obtain a legally enforceable written agreement providing that, in the event of default, the full original principal balance of the debt prior to compromise, less sums paid thereon, is reinstated. In cases of compromise based on paragraph (b)(1)(iv) of this section, we will consult with the Office of the General Counsel concerning the appropriateness of including such a requirement in the legally enforceable written agreement. Whenever possible, we will obtain security for repayment in the manner set forth in § 422.809.

(c) *Enforcement policy.* Subject to the Commissioner's approval, we may compromise statutory penalties, forfeitures, or claims established as an aid to enforcement and to compel compliance if our enforcement policy, in terms of deterrence and securing compliance, present, and future, will be adequately served by the agency's acceptance of the sum to be agreed upon.

(d) *Joint and several liability.* (1) When two or more debtors are jointly and severally liable, we will pursue collection against all debtors, as appropriate. We will not attempt to allocate the burden of payment between the debtors but will proceed to liquidate the indebtedness as quickly as possible.

(2) We will ensure that a compromise agreement with one debtor does not automatically release the agency's claim against the remaining debtor(s). The amount of a compromise with one debtor will not be considered a precedent or binding in determining the amount that will be required from other debtors jointly and severally liable on the claim.

(e) *Further review of compromise offers.* If we are uncertain whether to accept a firm, written, substantive compromise offer on a debt that is within the agency's statutory compromise authority, we may use a CCLR with supporting data and particulars concerning the debt to refer the offer to the DOJ's Civil Division or other appropriate litigating division. The DOJ may act upon such an offer or return it to the agency with instructions or advice.

(f) *Consideration of tax consequences to the Government.* In negotiating a compromise, we will consider the tax consequences to the Government. In particular, we will consider requiring a waiver of tax-loss-carry-forward and tax-loss-carry-back rights of the debtor. For information on discharge of indebtedness reporting requirements, *see* § 422.848(e).

(g) *Mutual release of the debtor and the Government.* In all appropriate instances, a compromise that is accepted will be implemented by means of a mutual release. The terms of such mutual release will provide that the debtor is released from further non-tax liability on the compromised debt in consideration of payment in full of the compromise amount, and the Government and its officials, past and present, are released and discharged from any and all claims and causes of action arising from the same transaction that the debtor may have. In the event a mutual release is not executed when a debt is compromised, unless prohibited by law, the debtor is still deemed to have waived any and all claims and causes of action against the Government and its officials related to the transaction giving rise to the compromised debt.

**§ 422.848 Suspension and termination of collection activities.**

(a) *Scope and application*—(1) *Scope.* The standards set forth in this subpart apply to the suspension or termination of collection activity pursuant to 31 U.S.C. 3711 on debts that do not appear to be fraudulent or that do not exceed $100,000, or such other amount as the Attorney General may direct, exclusive of interest, penalties, and administrative costs, after deducting the amount of partial payments or collections, if any. Prior to referring a debt to the Department of Justice (DOJ) for litigation, we may suspend or terminate collection under this subpart with respect to such debts that arise out of the activities of, or are referred or transferred for collection services to, the agency.

(2) *Application.* (i) If the debt stems from a claim that appears to be fraudulent, false, or misrepresented by a party with an interest in the claim or after deducting the amount of partial payments or collections, the principal amount of the debt exceeds $100,000, or such other amount as the Attorney General may direct, exclusive of interest, penalties, and administrative costs, the authority to suspend or terminate rests solely with the DOJ.

(ii) If we believe that suspension or termination of any debt that relates to a claim that appears to be fraudulent, false, or misrepresented by a party with an interest in the claim or that exceeds $100,000 may be appropriate, we will use the Claims Collection Litigation Report to refer the debt to the Civil Division or other appropriate litigating division in the DOJ. The referral will specify the reasons for our recommendation. If, prior to referral to the DOJ, we determine that a debt is plainly erroneous or clearly without merit, we may terminate collection activity regardless of the suspected fraud or amount involved without obtaining the DOJ's concurrence.

(b) *Suspension of collection activity.* (1) We may suspend collection activity on a debt when:

(i) The debtor cannot be located;

(ii) The debtor's financial condition is not expected to improve; or

(iii) The debtor has requested a legally permissible waiver or review of the debt.

(2) Financial condition. Based on the current financial condition of a debtor, we may suspend collection activity on a debt when the debtor's future prospects justify retention of the debt for periodic review and collection activity, and:

(i) No applicable statute of limitations has expired; or

(ii) Future collection can be effected by Administrative Offset, notwithstanding the expiration of the applicable statute of limitations for litigation of claims, with due regard to any statute of limitation for

Administrative Offset prescribed by 31 U.S.C. 3716(e)(1); or

(iii) The debtor agrees to pay interest on the amount of the debt on which collection will be suspended and suspension is likely to enhance the debtor's ability to pay the full amount of the principal of the debt with interest at a later date.

(3) *Waiver or review.* (i) We will suspend collection activity during the time required for consideration of the debtor's request for waiver or administrative review of the debt if the statute under which the request is sought prohibits us from collecting the debt during that time.

(ii) If the statute under which the waiver or administrative review request is sought does not prohibit collection activity pending consideration of the request, we may use discretion, on a case-by-case basis, to suspend collection. We will ordinarily suspend collection action upon a request for waiver or review if we are prohibited by statute or regulation from issuing a refund of amounts collected prior to agency consideration of the debtor's request. However, we will not suspend collection when we determine that the request for waiver or review is frivolous or was made primarily to delay collection.

(4) *Bankruptcy.* Upon learning that a bankruptcy petition has been filed with respect to a debtor, we must suspend collection activity on the debt, pursuant to the provisions of 11 U.S.C. 362, 1201, and 1301, unless we can clearly establish that the automatic stay has been lifted or is no longer in effect. In such cases, we will consult our Office of the General Counsel for advice. When appropriate, the Offices of the Regional Chief Counsel will take the necessary legal steps to ensure that no funds or money are paid by the agency to the debtor until relief from the automatic stay is obtained.

(c) *Termination of collection activity.* (1) We may terminate collection activity when:

(i) We are unable to collect any substantial amount through our own efforts or through the efforts of others;

(ii) We are unable to locate the debtor;

(iii) Costs of collection are anticipated to exceed the amount recoverable;

(iv) The debt is legally without merit or enforcement of the debt is barred by any applicable statute of limitations;

(v) The debt cannot be substantiated; or

(vi) The debt against the debtor has been discharged in bankruptcy.

(2)(i) Collection activity will not be terminated before we have pursued all appropriate means of collection and determined, based upon the results of the collection activity, that the debt is uncollectible.

(ii) Termination of collection activity ceases active collection of the debt. The termination of collection activity does not preclude us from retaining a record of the account for purposes of:

(A) Selling the debt, if the Secretary of the Department of the Treasury (Treasury) determines that such sale is in the best interest of the United States;

(B) Pursuing collection at a subsequent date in the event there is a change in the debtor's status or a new collection tool becomes available;

(C) Offsetting against future income or assets not available at the time of termination of collection activity; or

(D) Screening future applicants for prior indebtedness.

(3) We will terminate collection activity on a debt that has been discharged in bankruptcy, regardless of the amount. We may continue collection activity, however, subject to the provisions of the Bankruptcy Code, for any payments provided under a plan of reorganization. Offset and recoupment rights may survive the discharge of the debtor in bankruptcy and, under some circumstances, claims also may survive the discharge. For example, when we are a known creditor of a debtor, the claims of the agency may survive a discharge if we did not receive notice of the bankruptcy proceeding or the debt was affected by fraud. When we believe that the agency has claims or offsets that may have survived the discharge of the debtor, we will contact the Office of the General Counsel for legal advice.

(d) *Exception to termination.* When a significant enforcement policy is involved or recovery of a judgment is a prerequisite to the imposition of administrative sanctions, we may refer debts to the DOJ for litigation even though termination of collection activity may otherwise be appropriate.

(e) *Discharge of indebtedness; reporting requirements.* (1)(i) Before discharging a delinquent debt, also referred to as close out of the debt, we will take all appropriate steps to collect the debt in accordance with 31 U.S.C. 3711(g)(9), and §§ 422.803 and 422.810 of this part, including, as applicable, Administrative Offset; tax refund offset; Federal Salary Offset; credit bureau reporting; Administrative Wage Garnishment; litigation; foreclosure; and referral to the Treasury, Treasury-designated debt collection centers, or private collection contractors.

(ii) Discharge of indebtedness is distinct from termination or suspension of collection activity under this subpart, and is governed by the Internal Revenue Code. When collection action on a debt is suspended or terminated, the debt remains delinquent and further collection action may be pursued at a later date in accordance with the standards set forth in this part and 31 CFR Parts 900 through 904.

(iii) When we discharge a debt in full or in part, further collection action is prohibited. Therefore, before discharging a debt, we must:

(A) Make the determination that collection action is no longer warranted; and

(B) Terminate debt collection action.

(2) In accordance with 31 U.S.C. 3711(i), we will use competitive procedures to sell a delinquent debt upon termination of collection action if the Secretary of the Treasury determines such a sale is in the best interests of the United States. Since the discharge of a debt precludes any further collection action, including the sale of a delinquent debt, we may not discharge a debt until the requirements of 31 U.S.C. 3711(i) have been met.

(3) Upon discharge of an indebtedness, we must report the discharge to the Internal Revenue Service (IRS) in accordance with the requirements of 26 U.S.C. 6050P and 26 CFR 1.6050P–1. We may request that Treasury or Treasury-designated debt collection centers file such a discharge report to the IRS on our behalf.

(4) When discharging a debt, we must request that litigation counsel release any liens of record securing the debt.

**§ 422.850 Referrals to the Department of Justice.**

(a) *Prompt referral.* (1)(i) We will promptly refer to the Department of Justice (DOJ) for litigation debts on which aggressive collection activity has been taken in accordance with § 422.803, and that cannot be compromised, or on which collection activity cannot be suspended or terminated, in accordance with § 422.848.

(ii) We may refer debts arising out of activities of, or referred or transferred for collection services to, the agency to DOJ for litigation.

(2)(i) Debts for which the principal amount is over $100,000 or such other amount as the Attorney General may direct, exclusive of interest, penalties, and administrative costs will be referred to the Civil Division or other division responsible for litigating such debts at the DOJ.

(ii) Debts for which the principal amount is $1,000,000 or less, or such other amount as the Attorney General may direct, exclusive of interest, penalties, and administrative costs will

be referred to the Nationwide Central Intake Facility at the DOJ as required by the Claims Collections Litigation Report (CCLR) instructions.

(3)(i) Consistent with aggressive agency collection activity and the standards contained in this part and 31 CFR Parts 900 through 904, debts will be referred to the DOJ as early as possible and, in any event, well within the period for initiating timely lawsuits against the debtors.

(ii) We will make every effort to refer delinquent debts to the DOJ for litigation within one year of the date such debts last became delinquent. In the case of guaranteed or insured loans, we will make every effort to refer these delinquent debts to the DOJ for litigation within one year from the date the debt was known to the agency.

(4) The DOJ has exclusive jurisdiction over debts referred to it pursuant to this subpart. Upon referral of a debt to the DOJ, we will:

(i) Immediately terminate the use of any administrative collection activities to collect the debt;

(ii) Advise the DOJ of the collection tools utilized and the results of activities to date; and

(iii) Refrain from having any contact with the debtor and direct all debtor inquiries concerning the debt to the DOJ.

(5) After referral of a debt under this subpart, we will immediately notify the DOJ of any payments credited by the agency to the debtor's account. Pursuant to 31 CFR 904.1(b), after referral of the debt under this subpart, the DOJ will notify the agency of any payment received from the debtor.

(b) *Claims Collection Litigation Report.* (1)(i) Unless excepted by the DOJ, we will complete a CCLR and associated signed Certificate of Indebtedness to refer all administratively uncollectible claims to the DOJ for litigation.

(ii) We will complete all sections of the CCLR appropriate to each debt as required by the CCLR instructions and furnish such other information as may be required in specific cases.

(2) We will indicate clearly on the CCLR the actions that we wish the DOJ to take with respect to the referred debt. We may indicate specifically any of a number of litigation activities the DOJ may choose to pursue, including enforced collection, judgment lien only, renew judgment lien only, renew judgment lien and enforced collection, program enforcement, foreclosure only, and foreclosure and deficiency judgment.

(3) We will also use the CCLR to refer a debt to the DOJ for the purpose of obtaining any necessary approval of a proposal to compromise a debt or to suspend or terminate administrative collection activity on a debt.

(c) *Preservation of evidence.* We will maintain and preserve all files and records that may be needed by the DOJ to prove our claim in court. When referring debts to the DOJ for litigation, certified copies of the documents that form the basis for the claim should be provided along with the CCLR. Upon its request, the original documents will be provided to the DOJ.

(d) *Minimum amount of referrals.* (1) Except as provided in paragraph (d)(2) of this section, we will not refer for litigation claims of less than $2,500 exclusive of interest, penalties, and administrative costs, or such other amount as the Attorney General may prescribe.

(2) We will not refer claims of less than the minimum amount unless:

(i) Litigation to collect such smaller amount is important to ensure compliance with the agency's policies and programs;

(ii) The agency is referring the claim solely for the purpose of securing a judgment against the debtor, which will be filed as a lien against the debtor's property pursuant to 28 U.S.C. 3201 and returned to the agency for enforcement; or

(iii) The debtor has the clear ability to pay the claim and the Government can enforce payment effectively, with due regard for the exemptions available to the debtor under State and Federal law and the judicial remedies available to the Government.

(3) We should consult with the Financial Litigation Staff of the Executive Office for United States Attorneys at DOJ prior to referring claims valued at less than the minimum amount.

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Part IV

## The President

Executive Order 13662—Blocking Property of Additional Persons Contributing to the Situation in Ukraine

Federal Register
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# Presidential Documents

**Title 3—**

## The President

**Executive Order 13662 of March 20, 2014**

## Blocking Property of Additional Persons Contributing to the Situation in Ukraine

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, BARACK OBAMA, President of the United States of America, hereby expand the scope of the national emergency declared in Executive Order 13660 of March 6, 2014, and expanded by Executive Order 13661 of March 16, 2014, finding that the actions and policies of the Government of the Russian Federation, including its purported annexation of Crimea and its use of force in Ukraine, continue to undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets, and thereby constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I hereby order:

**Section 1**. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person (including any foreign branch) of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to operate in such sectors of the Russian Federation economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, such as financial services, energy, metals and mining, engineering, and defense and related materiel;

(ii) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to this order; or

(iii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.

**Sec. 2**. I hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 1(a) of this order would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants or nonimmigrants, of such persons. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

**Sec. 3**. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13660, and expanded in Executive Order 13661 and this order, and I hereby prohibit such donations as provided by section 1 of this order.

**Sec. 4**. The prohibitions in section 1 of this order include but are not limited to:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

**Sec. 5**. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

**Sec. 6**. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term the ''Government of the Russian Federation'' means the Government of the Russian Federation, any political subdivision, agency, or instrumentality thereof, including the Central Bank of the Russian Federation, and any person owned or controlled by, or acting for or on behalf of, the Government of the Russian Federation.

**Sec. 7**. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13660, and expanded in Executive Order 13661 and this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

**Sec. 8**. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

**Sec. 9**. This order 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.

THE WHITE HOUSE,
*March 20, 2014.*

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