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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS–2013–0012]

Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security U.S. Immigration and Customs Enforcement—014 Homeland Security Investigations Forensic Laboratory System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Department of Homeland Security is issuing a final rule to amend its regulations to exempt portions of the ''Department of Homeland Security/U.S. Immigration and Customs Enforcement—014 Homeland Security Investigations Forensic Laboratory System of Records'' from certain provisions of the Privacy Act. Specifically, the Department exempts portions of the ''Department of Homeland Security/U.S. Immigration and Customs Enforcement—014 Homeland Security Investigations Forensic Laboratory System of Records'' from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

DATES: *Effective Date:* This final rule is effective April 2, 2014.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Lyn Rahilly, Privacy Officer, (202–732–3300), U.S. Immigration and Customs Enforcement, 500 12th Street SW., Mail Stop 5004, Washington, DC 20536, email: *ICEPrivacy@ice.dhs.gov*. 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:

Background

The Department of Homeland Security (DHS) U.S. Immigration and Customs Enforcement (ICE) published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, 78 FR 28761, May 16, 2013, proposing to exempt portions of the system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements. The system of records is the DHS/ICE–014 Homeland Security Investigations Forensic Laboratory (HSI–FL) System of Records. The DHS/ICE—014 HSI–FL System of Records Notice (SORN) was published concurrently in the **Federal Register**, 78 FR 28867, May 16, 2013, and comments were invited on both the NPRM and the SORN.

Public Comments

DHS received one computer-generated comment on the NPRM and no comments on the SORN. The comment on the NPRM did not pertain to the proposed rulemaking or the system of records. Accordingly, the Department will implement the rulemaking as proposed.

List of Subjects in 6 CFR Part 5

Freedom of information, Privacy.

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

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

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

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

■ 2. Add at the end of Appendix C to part 5, the following new paragraph ''72'' to read as follows:

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

* * * * *

72. The DHS/ICE–014 Homeland Security Investigations Forensic Laboratory System of Records consists of electronic and paper records that will be used by DHS and its components. The DHS/ICE–014 Homeland Security Investigations Forensic Laboratory System of Records contains records of evidence and cases submitted to the HSI–FL. This information will include information on the individual submitting the request, identify the evidence submitted, track the evidence as it moves throughout the HSI–FL, capture case notes and results of examinations, store electronic images of evidence, and produce reports of findings. Other case-related records are maintained, including descriptions of expert witness testimony provided by HSI–FL employees. Records in the DHS/ICE–014 Homeland Security Investigations Forensic Laboratory System of Records also include the library of genuine, altered, and counterfeit travel and identity documents provided to the HSI–FL by international organizations, government agencies, and law enforcement organizations from across the United States and around the world to research methods of document production and authenticate documents through comparative forensic examinations. The DHS/ICE–014 Homeland Security Investigations Forensic Laboratory System of Records contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components, and may contain personally identifiable information (PII) collected by other federal, state, local, tribal, foreign, or international government agencies. The Secretary of the Department of Homeland Security, pursuant to 5 U.S.C. 552a(j)(2), has exempted this system from the following provisions of the Privacy Act, subject to limitations set forth in 5 U.S.C. 552a(c)(3), (c)(4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8); (f); and (g). Additionally, the Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(2), has exempted this system from the following provisions of the Privacy Act, subject to limitations set forth in 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). Where a record received from another system has been exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here. Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) and (4) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve

national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

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

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

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

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

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

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

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

(i) From subsection (g)(1) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

Dated: March 6, 2014.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–07386 Filed 4–1–14; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0731; Airspace Docket No. 13–ASO–18]

Establishment of Class E Airspace; Blairsville, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Blairsville, GA, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) serving Blairsville Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, May 27, 2014. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On February 12, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Blairsville, GA (79 FR 8365) Docket No. FAA–2013–0731. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 16-mile radius of Blairsville Airport, Blairsville, GA, providing the controlled airspace required to accommodate the new RNAV (GPS) Standard Instrument Approach Procedures developed for the airport. This action provides for the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of

airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Blairsville Airport, Blairsville, GA.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, effective September 15, 2013, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ASO GA E5 Blairsville, GA [New]

Blairsville Airport, GA
(Lat. 34°51′16″ N., long. 83°59′50″ W.)

That airspace extending upward from 700 feet above the surface within a 16-mile radius of Blairsville Airport.

Issued in College Park, Georgia, on March 25, 2014.

Eric Fox,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–07292 Filed 4–1–14; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1201

[Document No.: NASA–2014–0004]

RIN 2700–AD88

Statement of Organization and General Information

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: This direct final rule makes nonsubstantive changes by removing language related to general information on NASA's organizations because the most current information is maintained in other regulations and on NASA's Organization Structure Web site. Therefore, this regulation will be streamlined to make reference to those locations to ensure that the public is provided with the most current information accessible on NASA. The revisions to this rule is part of NASA's retrospective plan under EO 13563 completed in August 2011. NASA's full plan can be accessed on the Agency's open government Web site at *http://www.nasa.gov/open/*.

DATES: This direct final rule is effective on June 2, 2014. Comments due on or before May 2, 2014. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RINs 2700–AD88 and may be sent to NASA via the *Federal E-Rulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Dorothy Frederick, 202–358–1188.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

NASA has determined this rulemaking meets the criteria for a direct final rule because it involves clarifications, updating, and nonsubstantive changes to existing regulations. NASA does not anticipate this direct final rule will result in major changes to its organizational structure. However, if NASA receives significant adverse comments, NASA will withdraw this final rule by publishing a note in the **Federal Register** in order to revisit the commented-on language. In determining whether a comment necessitates withdrawal of this final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Background

NASA will update appropriate sections of this rule in order to provide information that is as current as possible and to provide Internet addresses that will provide the public with current, relevant data at any given time. These changes will ensure that NASA is in compliance with 5 U.S.C. 552 (a)(1) (A), Public information, agency rules, opinions, orders, records, and proceedings, as follows:

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the **Federal Register** for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

Statutory Authority

5 U.S.C. 552 (a)(1) (A).

Regulatory Analysis

Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improving Regulation and Regulation Review

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as ''not significant'' under section 3(f) of Executive Order 12866.

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement does not apply if the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial

number of small entities'' (5 U.S.C. 603). This rule updates section of the CFR to align with Federal guidelines and does not have a significant economic impact on a substantial number of small entities.

Review Under the Paperwork Reduction Act

This direct final rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Review Under Executive Order of 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) requires regulations be reviewed for Federalism effects on the institutional interest of states and local governments, and, if the effects are sufficiently substantial, preparation of the Federal assessment is required to assist senior policy makers. The amendments will not have any substantial direct effects on state and local governments within the meaning of the Executive Order. Therefore, no Federalism assessment is required.

List of Subjects in 14 CFR Part 1201

Boards and committees, Organization.

Accordingly, 14 CFR part 1201 is amended as follows:

PART 1201—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

■ 1. The authority citation for part 1201 is revised to read as follows:

Authority: 51 U.S.C. 20112(h).

Subpart 1—Introduction

§ 1201.100 [Amended]

■ 2. Section 1201.100 is amended by removing the words ''of 1958,'' and by removing the parenthesized citation ''(72 Stat. 426, 42 U.S.C. 2451 et seq.)'' and adding in its place ''(51 U.S.C. 20111).''

Subpart 2—Organization

■ 3. Section 1201.200 is revised to read as follows:

§ 1201.200 General.

NASA's basic organization consists of the Headquarters, nine field Centers, the Jet Propulsion Laboratory (a Federally Funded Research and Development Center), and several component installations which report to Center Directors. Responsibility for overall planning, coordination, and control of NASA programs is vested in NASA Headquarters located in Washington, DC. For additional information, visit *http://www.nasa.gov/about/org_index.html*.

Subpart 3—Boards and Committees

■ 4. Section 1201.300 is revised to read as follows:

§ 1201.300 Boards and committees.

(a) NASA's Contract Adjustment Board (CAB) and Inventions and Contributions Board (ICB) were established as part of the permanent organization structure of NASA. Charters for both Boards are set forth in part 1209 of this chapter. Procedures for the CAB are set out in 48 CFR part 1850, and procedures for the ICB are set out in 14 CFR parts 1240 and 1245.

(b) The Armed Services Board of Contract Appeals (ASBCA) is a neutral, independent forum whose primary function is to hear and decide post-award contract disputes between government contractors and those entities with whom the ASBCA has entered into agreement to provide services (NASA is one of those entities). The ASBCA functions in accordance with the Contract Disputes Act (41 U.S.C. 7101–7109), its Charter, or other remedy-granting provisions. Information about the ASBCA can be obtained by mail at ASBCA, Skyline 6, Suite 700, 5109 Leesburg Pike, Falls Church, Virginia 22041–3208, by phone at 703–681–8500, or from the Web at *www.asbca.mil*.

Subpart 4—[Removed and Reserved]

■ 5. Remove and reserve subpart 4.

Charles F. Bolden, Jr.

Administrator.

[FR Doc. 2014–07328 Filed 4–1–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723, 724, 845, and 846

RIN 1029–AC67

[Docket ID: OSM–2013–0003; S1D1S SS08011000 SX066A00067F 134S180110; S2D2S SS08011000 SX066A00 33F 13XS501520]

Civil Monetary Penalties

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: This rule adjusts the penalty amount of certain civil monetary penalties authorized by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The rule implements SMCRA and the Federal Civil Penalties Inflation Adjustment Act of 1990, which requires that civil monetary penalties be adjusted for inflation at least once every four years.

DATES: *Effective Date:* May 2, 2014.

FOR FURTHER INFORMATION CONTACT: Adrienne Alsop, Office of Surface Mining Reclamation and Enforcement, South Interior Building MS–203, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone (202) 208–2818. Email: *aalsop@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background
- A. The Federal Civil Penalties Inflation Adjustment Act of 1990
- B. Method of Calculation
- C. Example of a Calculation
- D. Civil Monetary Penalties Affected by This Adjustment
- E. Effect of the Rule in Federal Program States and on Indian Lands
- F. Effect of the Rule on Approved State Programs

II. Procedural Matters and Required Determinations

I. Background

A. The Federal Civil Penalties Inflation Adjustment Act of 1990

In an effort to maintain the deterrent effect of civil monetary penalties (CMPs) and promote compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Adjustment Act), as amended by the Debt Collection Improvement Act of 1996, requires Federal agencies to regularly adjust CMPs for inflation. 28 U.S.C. 2461, note. The Inflation Adjustment Act, as amended, requires each agency to make an initial inflation adjustment for all applicable CMPs, and to make subsequent adjustments at least once every four years thereafter. We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), have adjusted the CMPs authorized by SMCRA on four previous occasions: November 28, 1997 (62 FR 63274), November 21, 2001 (66 FR 58644), November 22, 2005 (70 FR 70698), and July 15, 2009 (74 FR 34490). As required by the Inflation Adjustment Act, we are again adjusting our CMPs according to the formula set forth in the law.

Under the Inflation Adjustment Act, the amount of the adjustment for a CMP is determined by increasing the CMP by the amount of the cost-of-living adjustment. The cost-of-living adjustment is defined as the percentage of each CMP 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 amount of the CMP was last set or adjusted. The Inflation Adjustment Act defines the Consumer Price Index as the ''Consumer Price Index for all-urban consumers [the CPI–U] published by the Department of Labor.'' *See* 28 U.S.C. 2461, note. The Inflation Adjustment Act specifies that any resulting increases in a CMP must be rounded according to a stated rounding formula. *Id.* The increased CMPs apply only to violations that occur after the date the increase takes effect. *Id.*

B. Method of Calculation

Because these adjustments will be effective before December 31, 2014, we are calculating the CMP increases based on the CPI-U inflation factor for the month of June 2013, which is 233.504. Because of the rounding formula contained in the Inflation Adjustment Act, we did not adjust all CMPs in 2001, 2005, or 2009. Therefore, we are using four different multipliers to calculate the current CMP adjustments.

First, for the CMPs that were last adjusted in 1997, we are using a multiplier of 1.4567 (45.67 percent increase). We arrived at this multiplier by dividing the CPI-U for June 2013 (233.504) by the CPI-U for June 1997 (160.3).

Second, for the CMPs that were last adjusted in 2001, we are using a multiplier of 1.3118 (a 31.18 percent increase). We arrived at this multiplier by dividing the CPI-U for June 2013 (233.504) by the CPI-U for June 2001 (178.0).

Third, for the CMPs that were last adjusted in 2005, we are using a multiplier of 1.2005 (a 20.05 percent increase). We arrived at this multiplier by dividing the CPI-U for June 2013 (233.504) by the CPI-U for June 2005 (194.5).

Fourth, for the CMPs that were last adjusted in 2009, we are using a multiplier of 1.0826 (a 8.26 percent increase). We arrived at this multiplier by dividing the CPI-U for June 2013 (233.504) by the CPI-U for June 2009 (215.693).

Any potential increase under these adjustments is subject to the rounding formula set forth in section 5(a) of the Inflation Adjustment Act. Under the formula, any increase must be rounded to the nearest:

(1) multiple of $10 in the case of penalties less than or equal to $100;

(2) multiple of $100 in the case of penalties greater than $100 but less than or equal to $1,000;

(3) multiple of $1,000 in the case of penalties greater than $1,000 but less than or equal to $10,000;

(4) multiple of $5,000 in the case of penalties greater than $10,000 but less than or equal to $100,000;

(5) multiple of $10,000 in the case of penalties greater than $100,000 but less than or equal to $200,000; and

(6) multiple of $25,000 in the case of penalties greater than $200,000.

See 28 U.S.C. 2461, note.

C. Example of a Calculation

The following example illustrates the inflation adjustment calculation based on a CMP that was last adjusted in 2009. Generally, OSMRE assigns points to a violation as described in 30 CFR 845.13. The CMP owed is based on the number of points received. For example, under our existing regulations in 30 CFR 845.14, a violation totaling 70 points would amount to a $7,500 CMP.

To adjust this amount, using the formula above, we multiply $7,500 by the inflation factor of 1.0826, resulting in a raw inflation amount of $8,119.50. Because the Inflation Adjustment Act requires us to round any increase in the CMP amount, we must then calculate the difference in the raw inflation amount and the existing penalty. So, we subtract the current penalty amount ($7,500.00) from the raw inflation adjustment ($8,119.50), which results in an increase of $619.50.

The rounding formula in section 5(a) of the Inflation Adjustment Act specifies that if the penalty is greater than $1,000 but less than $10,000, the increase must be rounded to the nearest multiple of $1,000. Because the difference of $619.50 (noted above) is greater than $500.00 (half of $1,000), we will round the increase up to $1,000.00. Therefore, the existing penalty will increase to $8,500.00.

For those CMPs that were last adjusted in 1997, 2001 or 2005, the method of calculation would be the same, but the multiplier would be either 1.4567, 1.3118 or 1.2005, respectively, instead of 1.0826. When the regulations in 30 CFR 845.14 were issued in 1982 (47 FR 35640), the amount of the civil penalty that was assessed increased by $20.00 with each additional point that was assessed from 2 through 25, and the penalty increased by $100.00 with each additional point that was assessed from 26 through 70. For example, an assessment of 47 points resulted in a penalty of $2,700.00, and an assessment of 48 points resulted in an assessment of $2,800.00. Because of the rounding formula required by the Inflation Adjustment Act, the difference in the penalty amount for each additional point is no longer consistent in many instances.

D. Civil Monetary Penalties Affected By This Adjustment

Section 518 of SMCRA, 30 U.S.C. 1268, authorizes the Secretary of the Interior to assess CMPs for violations of SMCRA. OSMRE's regulations implementing the CMP provisions of section 518 are located in 30 CFR parts 723, 724, 845, and 846. We are adjusting CMPs in four sections—30 CFR 723.14, 724.14, 845.14, and 846.14. When we review and adjust our CMPs in 2018, we will compare the CPI-U for June 2017 with the CPI-U for the year in which each CMP was last adjusted.

E. Effect of the Rule in Federal Program States and on Indian Lands

The increase in civil monetary penalties contained in this rule will apply through cross-referencing to the following Federal program states: Arizona, California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for those States appear at 30 CFR parts 903, 905, 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. The increase in civil monetary penalties also applies through cross-referencing to Indian lands under the Federal program for Indian lands as provided for in 30 CFR 750.18.

F. Effect of the Rule on Approved State Programs

Section 518(i) of SMCRA requires that the civil penalty provisions of each State program contain penalties which are ''no less stringent than'' those set forth in SMCRA. Our regulations specify that each State program ''shall contain penalties which are no less stringent than those set forth in section 518 of the Act and shall be consistent with 30 CFR part 845.'' 30 CFR 840.13(a). In order to implement the penalty provisions of section 518(a) of SMCRA, we developed a point system for determining the amount of the CMP to assess for a violation of our regulations. 44 FR 15461–63 (Mar. 13, 1979). However, in a 1980 decision on OSMRE's regulations governing CMPs, the U.S. District Court for the District of Columbia held that because section 518 of SMCRA fails to enumerate a point system for assessing CMPs, we cannot require the States to adopt the point system and civil penalty amounts found in 30 CFR 845.14. *In re Permanent Surface Mining Regulation Litigation,* No. 79–1144, Mem. Op. (D.D.C. Feb. 26, 1980), 14 Env't Rep. Cas. (BNA) 1083. In response to the

Secretary's request for clarification, the Court further stated that it could not uphold requiring the States to impose penalties as stringent as those appearing in 30 CFR 845.15. *In re Permanent Surface Mining Regulation Litigation,* No. 79–1144, Mem. Op. (D.D.C. May 16, 1980), 19 Env't Rep. Cas. (BNA) 1477. As a result of the litigation, 30 CFR 840.13(a) was suspended in part on August 4, 1980. 45 FR 51548. Consequently, State regulatory programs are not required to mirror all of the penalty provisions of our regulations.

II. Procedural Matters and Required Determinations Administrative Procedure Act

This final rule has been issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (APA) provides an exception to the notice and comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b). We have determined that under 5 U.S.C. 553(b), good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. This rulemaking is consistent with the statutory authority and requirements set forth in the Inflation Adjustment Act as amended by the Debt Collection Improvement Act of 1996. The Inflation Adjustment Act requires that we adjust our CMPs once every four years and specifies the manner in which the adjustment is to be made. Accordingly, the adjustments made are ministerial, technical, and non-discretionary.

Executive Order 12866—Regulatory Planning and Review

This rule has been reviewed under the provisions of Executive Order 12866 and is not considered a significant regulatory action. This determination is based on the fact that the rule adjusts OSMRE's CMPs according to the formula contained in the Inflation Adjustment Act. OSMRE has no discretion in making the adjustments. Further, most coal mining operations subject to the rule do not engage in prohibited activities and practices and, as a result, we believe that the aggregate economic impact of these revised regulations will be minimal, affecting only those who may engage in prohibited behavior in violation of SMCRA.

Our civil penalty data for Fiscal Years 2009–2013 indicates that over a five-year period, we collected an average of approximately $345,903 annually for all violations. If we assume that the average annual collection remains constant at $345,903, and we adjusted that collection figure for inflation using the largest inflation factor contained in this rule (45.67 percent), the CMPs collected annually under the new penalty amounts would result in an annual increase of approximately $157,974 for a total CMP collection of $503,877 annually. Because the majority of the increases are based on lower inflation factors (8.26 percent or 20.05 percent) the actual annual increase will be even less. Consequently, the annual increase in CMPs that we might reasonably expect to collect under the revised dollar amounts contained in this rule is substantially less than the $100 million annual threshold contained in Executive Order 12866 for an economically significant rule. Based on the above data, we have determined that:

a. The rule will not have an annual effect of $100 million or more on the economy, nor will it adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities.

b. The rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

c. The rule will not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

d. The rule does not raise novel legal or policy issues.

Regulatory Flexibility Act

The Department of the Interior certifies that this revision will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). As discussed above, the aggregate economic impact of this rulemaking on small business entities should be minimal, and affects only those who violate the provisions of SMCRA.

Small Business Regulatory Enforcement Fairness Act

For the reasons previously stated, this rule is not considered a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

1. Will not have an annual effect on the economy of $100 million.

2. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions because the rule does not impose new requirements on the coal mining industry or consumers.

3. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. As previously discussed, the annual increase in CMPs that we might reasonably expect to collect under the revised dollar amounts contained in this rule is substantially less than the $100 million annual threshold. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Federal Paperwork Reduction Act

This rule does not contain collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required because we have determined the rule is covered by the categorical exclusion listed in the Department of the Interior regulations at 43 CFR 46.210(i). That categorical exclusion covers policies, directives, regulations and guidelines that are of an administrative, financial, legal, technical, or procedural nature. We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under the National Environmental Policy Act.

Executive Order 12988—Civil Justice Reform

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is not considered significant under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally recognized Indian Tribes and have determined that the proposed revisions would not have substantial direct effects on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Executive Order 12630—Takings

Under the criteria in Executive Order 12630, this rule does not have significant takings implications; therefore, a takings implication assessment is not required. This determination is based on the fact that the rule will not have an impact on the use or value of private property.

Executive Order 13132—Federalism

This rule 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.''

Data Quality Act

In developing this rule we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

List of Subjects

30 CFR Part 723

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 724

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 845

Administrative practice and procedure, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 846

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

Dated: March 13, 2014.0;

Tommy P. Beaudreau,

Principal Deputy Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR parts 723, 724, 845 and 846 are amended as follows:

PART 723—CIVIL PENALTIES

■ 1. The authority citation for part 723 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 2. Section 723.14 is amended by revising the table to read as follows:

§ 723.14 Determination of amount of penalty.

* * * * *

Points	Dollars
1	32
2	74
3	96
4	108
5	210
6	232
7	254
8	276
9	298
10	320
11	342
12	364
13	486
14	508
15	530
16	552
17	574
18	596
19	718
20	740
21	762
22	784
23	806
24	828
25	850
26	960
27	1,070
28	1,080
29	1,090
30	2,100
31	2,210
32	2,320
33	2,430
34	2,540
35	2,650
36	2,760
37	2,870
38	2,980
39	3,090
40	3,200
41	3,310
42	3,420
43	3,530
44	3,640
45	4,750
46	4,860
47	4,970
48	5,080
49	5,190
50	5,300
51	5,410
52	5,520
53	5,630
54	5,740
55	5,850
56	5,960
57	7,070
58	7,180
59	7,290
60	7,400
61	7,510
62	7,620
63	7,730
64	7,840
65	7,950
66	8,060
67	8,170
68	8,280
69	8,390
70	8,500

PART 724—INDIVIDUAL CIVIL PENALTIES

■ 3. The authority citation for part 724 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 4. Section 724.14 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 724.14 Amount of individual civil penalty.

* * * * *

(b) The penalty shall not exceed $8,500 for each violation. * * *

PART 845—CIVIL PENALTIES

■ 5. The authority citation for part 845 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* 31 U.S.C. 3701, Pub. L. 100–202, and Pub. L. 100–446.

■ 6. Section 845.14 is amended by revising the table to read as follows:

§ 845.14 Determination of amount of penalty.

* * * * *

Points	Dollars
1	32
2	74
3	96
4	108
5	210

Points	Dollars
6	232
7	254
8	276
9	298
10	320
11	342
12	364
13	486
14	508
15	530
16	552
17	574
18	596
19	718
20	740
21	762
22	784
23	806
24	828
25	850
26	960
27	1,070
28	1,080
29	1,090
30	2,100
31	2,210
32	2,320
33	2,430
34	2,540
35	2,650
36	2,760
37	2,870
38	2,980
39	3,090
40	3,200
41	3,310
42	3,420
43	3,530
44	3,640
45	4,750
46	4,860
47	4,970
48	5,080
49	5,190
50	5,300
51	5,410
52	5,520
53	5,630
54	5,740
55	5,850
56	5,960
57	7,070
58	7,180
59	7,290
60	7,400
61	7,510
62	7,620
63	7,730
64	7,840
65	7,950
66	8,060
67	8,170
68	8,280
69	8,390
70	8,500

PART 846—CIVIL PENALTIES

■ 7. The authority citation for part 846 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 8. Section 846.14 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 846.14 Amount of individual civil penalty.

* * * * *

(b) The penalty shall not exceed $8,500 for each violation. * * *

[FR Doc. 2014–07101 Filed 4–1–14; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0001]

RIN 1625–AA08

Special Local Regulation, Rotary Club of Fort Lauderdale New River Raft Race, New River; Fort Lauderdale, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation on the waters of the New River in Fort Lauderdale, Florida during the Rotary Club of Fort Lauderdale New River Raft Race, on Saturday, April 5, 2014. The special local regulation will encompass the waters between Esplanade Park to just east of the Southeast 3rd Avenue Bridge. Approximately 100 participants will attend the race. The special local regulation is necessary to ensure the safety of the participants, participant vessels, and the general public during the event. Persons and vessels, except those participating in the event, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative.

DATES: This rule will be enforced from 11 a.m. to 3 p.m. on April 5, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0001. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer John K. Jennings, Sector Miami Prevention Department, Coast Guard; telephone (305) 535–4317, email *John.K.Jennings@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

Previously, temporary special local regulations regarding this marine event have been published in the Code of Federal Regulations at 33 CFR 100. No final rule has been published in regards to this marine event.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because there is not sufficient time remaining to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to minimize potential danger to the race participants, participant vessels, spectators, and the general public.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date for this special local regulation is contrary to the public interest because immediate action is needed to minimize potential danger to the race participants, participant vessels, spectators, and the general public.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233.

The purpose of the rule is to provide for the safety of life on the navigable waters of the United States during the

Rotary Club of Fort Lauderdale New River Raft Race.

C. Discussion of the Final Rule.

On April 5, 2014, Fort Lauderdale Rotary Club is hosting the Rotary Club of Fort Lauderdale New River Raft Race. The race will be held on the waters of the New River in Fort Lauderdale, Florida. Approximately 100 participants will attend the race. Minimal spectator vessels are expected.

The special local regulation will encompass certain navigable waters of the New River in Fort Lauderdale, Florida from Esplanade Park to east of the Southeast 3rd Avenue Bridge. The special local regulation will be enforced from 11 a.m. until 3 p.m. on April 5, 2014.

Non-participant persons and vessels will be prohibited from entering, transiting through, anchoring, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative. Non-participant persons and vessels desiring to enter, transit through, anchor in, or remain within the zone may contact the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the zone is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The economic impact of this rule is not significant for the following reasons: (1) This special local regulation will be enforced for four hours; (2) non-participant persons and vessels may enter, transit through, anchor in, or remain within the regulated area during the respective enforcement period if authorized by the Captain of the Port Miami or a designated representative; (3) non-participant persons and vessels not able to enter, transit through, anchor in, or remain within the regulated area without authorization from the Captain of the Port Miami or a designated representative may operate in the surrounding areas during the enforcement period; and (4) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within any of the regulated area during the respective enforcement period. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the creation of a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07–0001 to read as follows:

§ 100.35T07–0001 Special Local Regulation; Rotary Club of Fort Lauderdale New River Raft Race, New River, Fort Lauderdale, FL.

(a) *Regulated Area.* The following regulated area is a special local regulation, between Esplanade Park east to just east of the Southeast 3rd Avenue Bridge. All waters of the New River contained within the following points: Starting at Point 1 in position 26°07′10″ N, 80°08′52″ W; thence southeast to Point 2 in position 26°07′05″ N, 80°08′34″ W; thence southwest to Point 3 in position 26°07′04″ N, 80°08′35″ W thence northwest to Point 4 in position 26°07′08″ N, 80°08′52''W; thence north back to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Miami in the enforcement of the regulated area.

(c) *Regulations.* (1) Non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by Captain of the Port Miami or a designated representative. Non-participant persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

(2) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule will be enforced from 11 a.m. until 3 p.m. on April 5, 2014.

Dated: March 19, 2014.

A.J. Gould,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2014–07264 Filed 4–1–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

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

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

ACTION: Final rule.

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

DATES: Effective date: May 2, 2014.

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

SUPPLEMENTARY INFORMATION:

Background

Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3), the Corps of Engineers is amending the regulations at 33 CFR 334.980 to realign subsections within the existing restricted area in the waters surrounding San Nicolas Island, Ventura County, California, in a manner that better

matches the U.S. Navy's current operational needs. Vessels would only be prohibited from entering the restricted area during closure periods. The amendment would also update various titles and contact references to current command structure and names, and correct a mapping error in the original rule.

The proposed rule was published in the November 22, 2013 issue of the **Federal Register** (78 FR 70005; docket number COE–2013–0014). Comments were received from four commenters in response to the **Federal Register** notice and the Corps of Engineers Los Angeles District's local public notice. Three commenters objected to the enforcement of the 300-yard stand-off surrounding the shoreline of the island that was a provision of the original rule and was not proposed to be changed. The commenters stated that they had previously been allowed to trap lobster within this 300-yard stand-off with the agreement of the Navy and that the Navy's recent enforcement of this provision of the restricted area has substantially reduced their lobster catch resulting in economic harm.

The 300-yard stand-off has been a provision of the restricted area since it was established in 1965. The amendment does not modify or eliminate this provision. The Navy has stated that any previous informal agreements between fishermen and Navy personnel to allow fishing did not follow protocol and are not valid. The Navy has determined through experience that a 300-yard stand-off from the shoreline is necessary to maintain the security of its facilities at San Nicolas Island. The changes to the restricted area that do affect commercial fishing include clarification that the entire restricted area excluding the 300-yard stand-off remains open to fishing unless one or more sections are specifically closed for naval operations.

One commenter also stated that the waters surrounding San Nicolas Island are subject to rough seas that may develop quickly and unexpectedly, therefore having the ability find safe anchorage close to the island is important.

The rule change does not affect the provision that allows encroachment into the 300-yard stand-off or landing in emergency situations.

Procedural Requirements

a. Review Under Executive Order 12866

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

b. Review Under the Regulatory Flexibility Act

This final rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps determined that the amendment of this restricted area has practically no economic impact on the public, no anticipated navigational hazard, or interference with existing waterway traffic. This final rule will have no significant economic impact on small entities.

c. Review Under the National Environmental Policy Act

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

d. Unfunded Mandates Act

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

List of Subjects in 33 CFR Part 334

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

For the reasons set out in the preamble, the Corps amends 33 CFR Part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

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

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

■ 2. Revise § 334.980 to read as follows:

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

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

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

(2) *Sections of area.*

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

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

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

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

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

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

	Latitude	Longitude
Point A	33°10′10″	119°24′20″
Point L	33°13′50″	119°21′50″

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

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

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

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

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

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

Dated: March 27, 2014.

James R. Hannon,

Chief, Operations and Regulatory, Directorate of Civil Works.

[FR Doc. 2014–07359 Filed 4–1–14; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[EPA–HQ–OAR–2010–0114; FRL–9908–99–OAR]

RIN 2060–AQ01

Revisions To Test Methods and Testing Regulations; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: The Environmental Protection Agency (EPA) published a final rule in the **Federal Register** on February 27, 2014, that made technical and editorial corrections for source testing of emissions and operations. The revisions will improve data quality and provide additional flexibility by allowing the use of newly approved alternative procedures. The purpose of this action is to correct an omission to Method 202.

DATES: This technical amendment is effective on April 2, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Lula H. Melton, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (E143–02), Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2910; fax number: (919) 541–0516; email address: *melton.lula@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of Amendment

This action corrects a publication error for Method 202. Two paragraphs, namely 11.2.1.1 and 11.2.1.2, were inadvertently omitted from Method 202 in the promulgated rule. This action inserts paragraphs 11.2.1.1 and 11.2.1.2 and adds a transition statement in paragraph 11.2.1 that indicates if the sample was collected by Method 202, extract the CPM filter as indicated in paragraphs 11.2.1.1 and 11.2.1.2.

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this technical amendment final without prior proposal and opportunity for public comment because only simple publication errors are being corrected that do not substantially change the agency actions taken in the final rule. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(3)(B). (See *also* the final sentence of section 307(d)(1) of the Clean Air Act (CAA), 42 U.S.C. 307(d)(1), indicating that the good cause provisions in subsection 553(b) of the APA continue to apply to this type of rulemaking under section 307(d) of the CAA.)

II. Statutory and Executive Order Reviews

Under Executive Order 12866, Regulatory Planning and Review, and Executive Order 13563, Improving Regulation and Regulatory Review (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is, therefore, not subject to review by the Office of Management and Budget. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). The technical amendment does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Because the EPA has made a ''good cause'' finding that this action is not subject to notice and comment requirements under the APA or any other statute (*see* Section I), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4]. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

This action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175, Consultation and Coordination With Indian Tribal Governments (65 FR 67249, November 9, 2000). This amendment also is not subject to Executive Order 13045, Protection of Children From Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) because it is not economically significant.

This technical amendment does not involve changes to the technical standards related to test methods or monitoring requirements; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

This technical amendment does not involve special consideration of

environmental justice-related issues as required by Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally provides that before a rule may take effect, the agency determination 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 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement, 5 U.S.C. 808(2). As stated previously, the EPA has made such a good cause finding, including the reasons, and therefore established an effective date of April 2, 2014. The EPA will submit a report containing this final action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this action in the **Federal Register**. This action is not a ''major'' rule as defined by 5 U.S.C. 804(2). This action will be effective April 2, 2014.

This technical amendment does not have substantial direct effects on the states, or 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, Federalism (64 FR 43255, August 10, 1999).

This technical amendment is not subject to Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) because this action is not a significant regulatory action under Executive Order 12866.

List of Subjects in 40 CFR Parts 51

Air pollution control, Environmental protection, Performance specifications, and Test methods and procedures.

Dated: March 24, 2014.

Janet G. McCabe,

Acting Assistant Administrator.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

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

■ 2. Amend appendix M to part 51 under 11.0 Analytical Procedures by revising paragraph 11.2.1 and adding paragraphs 11.2.1.1 and 11.2.1.2 to read as follows:

Appendix M to Part 51—Recommended Test Methods for State Implementation Plans

* * * * *

11.2.1 Container #3, CPM Filter Sample. If the sample was collected by Method 17 or Method 201A with a stack temperature below 30 °C (85 °F), transfer the filter and any loose PM from the sample container to a tared glass weighing dish. (See Section 3.0 for a definition of constant weight.) Desiccate the sample for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh to a constant weight and report the results to the nearest 0.1 mg. [Note: In-stack filter samples collected at 30 °C (85 °F) may include both filterable insoluble particulate and condensable particulate. The nozzle and front half wash and filter collected at or below 30 °C (85 °F) may not be heated and must be maintained at or below 30 °C (85 °F).] If the sample was collected by Method 202, extract the CPM filter as follows:

11.2.1.1 Extract the water soluble (aqueous or inorganic) CPM from the CPM filter by folding the filter in quarters and placing it into a 50-ml extraction tube. Add sufficient deionized, ultra-filtered water to cover the filter (e.g., 10 ml of water). Place the extractor tube into a sonication bath and extract the water-soluble material for a minimum of two minutes. Combine the aqueous extract with the contents of Container #1. Repeat this extraction step twice for a total of three extractions.

11.2.1.2 Extract the organic soluble CPM from the CPM filter by adding sufficient hexane to cover the filter (e.g., 10 ml of hexane). Place the extractor tube into a sonication bath and extract the organic soluble material for a minimum of two minutes. Combine the organic extract with the contents of Container #2. Repeat this extraction step twice for a total of three extractions.

* * * * *

[FR Doc. 2014–07238 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0285; FRL–9909–01–Region–4]

Approval and Promulgation of Implementation Plans; Tennessee; Conflict of Interest

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing two actions pertaining to the Clean Air Act (CAA or Act) State Implementation Plan (SIP) requirements for the State of Tennessee. First, EPA is approving the SIP revision submitted by Tennessee, through the Tennessee Department of Environment and Conservation (TDEC) on October 9, 2013, as meeting the applicable requirements of the Act. This SIP revision addresses Tennessee's outstanding obligations related to the CAA State board and conflict of interest requirements. Second, EPA is fully approving the infrastructure SIP sub-element related to the State board and conflict of interest requirements for the 2008 Lead National Ambient Air Quality Standards (NAAQS), 1997 Annual Fine Particulate Matter ($PM_{2.5}$) NAAQS, 2006 24-hour $PM_{2.5}$ NAAQS and 1997 8-hour ozone NAAQS. EPA notes that all other applicable Tennessee infrastructure SIP elements for the 2008 Lead, 1997 annual $PM_{2.5}$, 2006 24-hour $PM_{2.5}$, and 1997 8-hour ozone NAAQS have been addressed in separate rulemakings.

DATES: This rule is effective on May 2, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0285. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA

requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9043. Mr. Lakeman can be reached via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) of the CAA are to be submitted by states within three years after promulgation of a new or revised NAAQS. Sections 110(a)(1) and (2) require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the NAAQS.

More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for ''infrastructure'' SIP requirements related to a newly established or revised NAAQS. As mentioned above, these requirements include SIP infrastructure elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. On July 23, 2012 (77 FR 42997), August 2, 2012 (77 FR 45958), and June 18, 2013 (78 FR 36440), EPA approved in part, and conditionally approved in part, Tennessee's infrastructure SIPs for the 1997 8-hour ozone NAAQS, 1997 annual $PM_{2.5}$ NAAQS, 2006 24-hour $PM_{2.5}$ NAAQS and 2008 Lead NAAQS, respectively.

Specifically, EPA conditionally approved the portion of section 110(a)(2)(E)(ii) (hereafter ''sub-element 110(a)(2)(E)(ii)'') respecting the Act's section 128(a)(1) requirements for each of the above NAAQS. Sub-element 110(a)(2)(E)(ii) provides that each infrastructure SIP shall provide requirements ''that the State comply with the requirements respecting State boards under section [128 of the CAA]. . . .'' Section 128, in turn, provides that each SIP shall contain requirements that: (1) Any board or body which approves permits or enforcement orders under the CAA shall have at least a majority of members who represent the public interest and do not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act (hereafter ''section 128(a)(1) requirements''); and, (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed (hereafter ''section 128(a)(2) requirements.'') EPA was unable to fully-approve Tennessee's infrastructure submissions for the above NAAQS with respect to sub-element 110(a)(2)(E)(ii) because, at the time, the SIP did not include provisions to address the section 128(a)(1) requirements.[1]

On March 28, 2012, TDEC transmitted a letter to EPA, committing to adopt specific enforceable measures into its SIP by July 23, 2013, to address section 128(a)(1). This commitment provided a basis for EPA to exercise the conditional approval authority provided at section 110(k)(4) of the CAA. Consistent with this authority, Tennessee was required to adopt the specified enforceable provisions and submit a revision to EPA for approval by July 23, 2013 (one year following the conditional approval action).[2] As described at section 110(k)(4), and as noted by EPA in its conditional approval actions, failure by the State to adopt the specified provisions and submit them to EPA for incorporation into the SIP by July 23, 2013, would result in the conditional approvals automatically converting to disapprovals. Tennessee failed to meet the July 23, 2013, commitment deadline, and instead, submitted the section 128(a)(1) revisions to EPA on October 9, 2013. As a result, the sub-element 110(a)(2)(E)(ii) conditional approvals automatically converted to disapprovals on July 23, 2013.

On January 9, 2014, EPA provided notice of the conversion of the section 110(a)(2)(E)(ii) conditional approvals to disapprovals. 79 FR 1608. In the same action, EPA also proposed to approve TDEC's October 9, 2013 SIP revision as being sufficient to address Tennessee's outstanding obligations related to the CAA section 128(a)(1) requirements. In addition, EPA also proposed through the January 9, 2014, action to approve infrastructure SIP sub-element 110(a)(2)(E)(ii) related to the State board and conflict of interest requirements for the 2008 Lead, 1997 annual $PM_{2.5}$, 2006 24-hour $PM_{2.5}$, and 1997 8-hour ozone NAAQS.[3] EPA received no comments on these proposed actions.

II. Tennessee's State Board and Conflict of Interest Submission

TDEC's October 9, 2013, SIP revision revises the content Chapter 1200–3–17 and moves it to a new chapter: Chapter 0400–30–17 *Conflict of Interest.* Chapter 1200–3–17 is reserved for future use. The revision further adds new sections 0400–30–17–.02 *Protecting the Public Interests* and 0400–30–17–.05 *Policy of Ethics and the Avoidance of Conflicts of Interest.* EPA is approving this revision because the Agency has determined that, once approved into the Tennessee SIP, this change will address the section 128(a)(1) requirements that any board or body which approves permits or enforcement orders under the CAA have at least a majority of members who represent the public interest and not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act.

Specifically, TDEC's revision incorporates a new rule into its SIP to address section 128(a)(1) requirements. Rule 0400–30–17–.02 *Protecting the Public Interests* contains definitions and requirements that will enable the Tennessee Air Pollution Control Board (hereafter the ''Board'') to clearly determine if it has a majority of members who represent the public interest and do not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act. The intent of rule 0400–30–17–.02 is to ensure that at least half of the Board serves in the public interest and does not derive any significant income from persons subject to permits or enforcement orders under the Act. Pursuant to these provisions, in the event the Board is unable to determine that it is comprised consistent with the requirements of section 128(a)(1), the revisions prevent the Board from hearing contested cases until such time as it complies with the requirements of section 128.

TDEC is also revising sections 0400–30–17–.01 *Purpose and Intent* (formally 1200–3–17–.01), 0400–30–17–.03 *Conflict of Interest on the Part of the*

[1] The section 128(a)(2) conflict of interest disclosure requirements, however, were met by existing provisions in the Tennessee SIP. *See* 77 FR 42997, 42998; 77 FR 45958, 45960; and 78 FR 36440, 36442.

[2] EPA's initial final action to conditionally approve sub-element 110(a)(2)(E)(ii) occurred on July 23, 2012. Therefore, Tennessee's commitment to submit the specific enforceable measures necessary to comply with section 128(a)(1) requirements was due no later than July 23, 2013. *See* 77 FR 42997.

[3] The proposed approval of the infrastructure SIP sub-element for these NAAQS was contingent upon EPA fully approving the TDEC October 9, 2013, revision to address the requirements of CAA section 128(a)(1).

Board and Technical Secretary (formally 1200–3–17–.02) and 0400–30–17–.04 *Conflict of Interest in the Permitting of Municipal Solid Waste Incineration Units* (formally 1200–3–17–.03) of the SIP. EPA has determined that these revisions, are sufficient to meet the State's obligations pursuant to the requirements of CAA section 128(a)(1).

III. Tennessee's Infrastructure SIP Submission

Sub-element 110(a)(2)(E)(ii) requires compliance with the requirements respecting State boards and conflicts of interest pursuant to section 128 of the Act. EPA reviews infrastructure SIP sub-element 110(a)(2)(E)(ii) submissions to ensure that the SIP includes provisions satisfying section 128 requirements. Today's final approval of the October 9, 2013, SIP revision to address section 128(a)(1) requirements results in the Tennessee SIP fully meeting the applicable section 128 requirements.[4] Accordingly, EPA is also hereby finalizing approval of sub-element 110(a)(2)(E)(ii) with respect to the applicable section 128(a)(1) requirements for the 2008 Lead NAAQS, 1997 annual $PM_{2.5}$ NAAQS, 2006 24-hour $PM_{2.5}$ NAAQS and 1997 8- hour ozone NAAQS.

IV. Final Action

EPA is approving the SIP revision submitted by TDEC on October 9, 2013, as meeting the applicable requirements of section 128(a)(1) the Act. Additionally, EPA is fully approving the infrastructure SIP sub-element 110(a)(2)(E)(ii) related to the State board and conflict of interest requirements for the 2008 Lead NAAQS, 1997 Annual $PM_{2.5}$ NAAQS, 2006 24-hour $PM_{2.5}$ NAAQS and 1997 8-hour ozone NAAQS. These actions are being taken pursuant to section 110 of the CAA.

EPA notes that the subject of this notice is limited to the section 128(a)(1) requirements and the associated infrastructure SIP sub-element 110(a)(2)(E)(ii). All other applicable Tennessee infrastructure SIP elements for the 2008 Lead NAAQS, 1997 annual $PM_{2.5}$ NAAQS, 2006 24-hour $PM_{2.5}$ NAAQS and 1997 8-hour ozone NAAQS have been addressed in separate rulemakings.

[4] As previously noted, the section 128(a)(2) conflict of interest disclosure requirements, were met by existing provisions in the Tennessee SIP. *See* 77 FR 42997, 42998; 77 FR 45958, 45960; and 78 FR 36440, 36442.

V. Statutory and Executive Order Reviews

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

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

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: March 21, 2014.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

For the reasons set out in the preamble, 40 CFR part 52, is to be amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart RR—Tennessee

§ 52.2219 [Removed and Reserved]

■ 2. Section 52.2219 is removed and reserved.

■ 3. Section 52.2220(c) is amended by:

■ a. Removing the entry in Table 1 for ''CHAPTER 1200–3–17 CONFLICT OF INTEREST'' in its entirety; and

■ b. Adding in numerical order a new entry in Table 1 for ''CHAPTER 0400–30–17 CONFLICT OF INTEREST''.

The addition reads as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
CHAPTER 0400–03–17 CONFLICT OF INTEREST				
Section 0400–30–17–.01	Purpose and Intent	9/23/2013	4/2/2014 [Insert citation of publication].	
Section 0400–30–17–.02	Protecting the Public Interests	9/23/2013	4/2/2014 [Insert citation of publication].	
Section 0400–30–17–.03	Conflict of Interest on the Part of the Board and Technical Secretary.	9/23/2013	4/2/2014 [Insert citation of publication].	
Section 0400–30–17–.04	Conflict of Interest in the Permitting of Municipal Solid Waste Incineration Units.	9/23/2013	4/2/2014 [Insert citation of publication].	
Section 0400–30–17–.05	Policy of Ethics and the Avoidance of Conflicts of Interest.	9/23/2013	4/2/2014 [Insert citation of publication].	
*	*	*	*	*

* * * * *

[FR Doc. 2014–07240 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0056; FRL–9907–62]

Clomazone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of clomazone in or on multiple commodities which are identified and discussed later in this document. In addition, this regulation removes an existing tolerance on ''cabbage'' that is superseded by this action. The Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 2, 2014. Objections and requests for hearings must be received on or before June 2, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0056, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0056 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 2, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket.

Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0056, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of Wednesday, February 27, 2013 (78 FR 13295) (FRL–9380–2), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E8136) by the Interregional Research Project Number 4, IR–4 Project Headquarters, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.425 be amended by establishing tolerances for residues of the herbicide clomazone, 2-[(2-chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone, in or on *Brassica,* head and stem, subgroup 5A at 0.1 parts per million (ppm), pea, southern, dry seed at 0.05 ppm, pea, southern, succulent seed at 0.05 ppm, pea, southern, hay at 0.05 ppm, and rhubarb at 0.3 ppm. In addition, the petitioner proposes based upon the establishment of new tolerances above, removal of the existing cabbage tolerance at 0.1 ppm under 40 CFR 180.425 that is superseded by this action. That document referenced a summary of the petition prepared by FMC Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to the comment is discussed in Unit IV.C.

Based upon review of data supporting the petition, EPA has removed and/or established clomazone residue tolerances for certain commodities. The reason(s) for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

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

The primary target of clomazone is the liver, with hepatocellular cytomegaly noted in the chronic rat and mouse studies (chronic mouse study deemed unacceptable due to maximum tolerated dose (MTD) not achieved), hepatocellular necrosis in the chronic mouse study, and increased liver weight observed in subchronic and chronic studies. No neurotoxicity studies with clomazone are available; however, based on a weight of the evidence approach, the EPA has concluded that a neurotoxicity battery is not required for clomazone. This approach considered all of the available hazard and exposure information including: (1) There is no evidence of clinical signs of neurotoxicity or neuropathology in adult animals in subchronic and chronic studies; (2) the liver is the target organ for clomazone, not the neurological system; (3) clomazone is absorbed and rapidly excreted in rats with 97% of the radioactivity excreted within 168 hours; and (4) the point of departure (POD) and endpoint for chronic dietary risk assessment is based on liver effects in rats which appear to be the most sensitive endpoint. There is no quantitative or qualitative evidence of susceptibility in the developmental toxicity study in rabbits or in the 2-generation reproduction toxicity study in rats. In the developmental toxicity study in rats, delayed ossification occurred at doses that produced maternal effects (chromorhinorrhea and abdominogenital staining). Although qualitative susceptibility was observed in the developmental toxicity study in rats, the concern is low since there are clear no-observed-adverse-effect-levels (NOAELs) and lowest-observed-adverse-effect-levels (LOAELs) in the study and this study was used for risk assessment, and therefore, is protective of the developmental effects.

There is no concern for mutagenicity. In the rat carcinogenicity study, there was no evidence of carcinogenicity. The mouse carcinogenicity study was inadequate to determine carcinogenic activity due to the lack of adverse effects at the highest dose tested. Despite the inadequacy of the mouse carcinogenicity study, EPA has determined that an additional mouse carcinogenicity study is not needed and that the rat chronic/carcinogenicity study will be adequate for assessing chronic risk, including cancer. This finding is based upon the following conclusions: (1) The rat is more sensitive than the mouse for the chronic assessment; (2) the consistent effect in rats (decreased body weight and increased liver weight) has been used as the point of departure for the chronic assessment; (3) a new mouse study would only use doses well above the current POD for the chronic assessment; and (4) even if a new mouse study identified positive carcinogenicity effects, that finding would not result in the adoption of a quantitative linear assessment of cancer risk due to the negative carcinogenicity finding in the rat study and the lack of a positive finding for genotoxicity.

Specific information on the studies received and the nature of the adverse effects caused by clomazone as well as

the NOAEL and the LOAEL from the toxicity studies can be found at *http://www.regulations.gov* in document,'' Clomazone: Human Health Risk Assessment for New Uses in/on *Brassica,* Head and Stem, Subgroup 5A; Rhubarb; and Pea, Southern (IR–4 Petition 2E8136)'', dated December 19, 2013, pg. 31 in docket ID number EPA–HQ–OPP–2013–0056.

B. Toxicological Points of Departure/Levels of Concern (LOC)

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

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

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

Exposure/scenario	POD and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (general population including infants and children).	An endpoint was not selected for the general population because no adverse effect in adult animals was identified that resulted from a single exposure. A risk assessment is not required for this population subgroup.		
Acute dietary (females 13–49 years of age).	NOAEL = 100 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 1.0 mg/kg/day aPAD = 1.0 mg/kg/day	Developmental toxicity study—rat, developmental LOAEL = 300 mg/kg/day, based on indications of delayed ossification in the form of either partial ossification or the absence of the manubrium, sternebrae 3–4, xiphoid, caudal vertebrae, and meta-carpals.
Chronic dietary (all populations).	NOAEL = 84.4 mg/kg/day (highest dose tested). UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.84 mg/kg/day. cPAD = 0.84 mg/kg/day	2-year chronic toxicity study—rats, NOAEL = 84.4/112.9 mg/kg/day, males/females (highest dose tested), LOAEL was not attained co-critical 90-day oral rat study NOAEL = 135.2/160.9 mg/kg/day, males/females LOAEL = 273/319.3 mg/kg/day, males/females, based on decreased body weight, body weight gains, food consumption and increased absolute and relative liver weights in females and increased absolute liver weights in males. Co-critical 2-generation reproduction toxicity study parental NOAEL = 50 mg/kg/day parental LOAEL = 100 mg/kg/day based on statistically significantly decreased body weight & body weight gain during pre-mating, and decreased body weight during gestation & lactation M & F. In addition, decreased food consumption in females and hydronephritic kidneys in males.
Cancer (oral, dermal, inhalation).	The chronic endpoint is protective against any effects resulting from long-term exposure to clomazone.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures.

C. Exposure Assessment

i. *Dietary exposure from food and feed uses.* In conducting the acute dietary exposure assessment EPA used the Dietary Exposure Evaluation Model—Food Consumption Intake Database (DEEM–FCID, ver. 3.16), which incorporates consumption information from the United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA incorporated tolerance level residues for proposed and registered crops, assumed 100 percent crop treated (PCT) and used default processing factors.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the DEEM–FCID, ver. 3.16 which incorporates consumption information from the USDA NHANES/WWEIA; 2003–2008. As to residue levels in food, EPA conducted an unrefined assessment that assumed 100 PCT, used DEEM default processing factors, and tolerance-level residues for all existing and proposed uses.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that the chronic PAD for clomazone will be protective of any

cancer risk posed by the pesticide. Additionally, EPA is relying on the chronic dietary exposure assessment to evaluate cancer risk.

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

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

The Agency generated the surface water estimated drinking water concentrations (EDWCs) based on the Food Quality Protection Act (FQPA) Index Reservoir Screening Tool (FIRST) and the Tier 1 Rice Model. Screening Concentration in Ground Water (SCI–GROW) and Pesticide Root Zone Model Ground Water (PRZM GW) models were used for ground water EDWCs of clomazone. EDWCs were derived based on the maximum registered/proposed use rate (1.5 pound active ingredient per acre (lb ai/A) existing for tuberous and corm vegetables and proposed for rhubarb) and the maximum registered use rate on rice (dry-seeded 0.8 lb ai/A). The Tier 1 Rice model (dry-seeded scenario) produced the highest EDWCs for both acute and chronic exposure.

The EDWCs of clomazone for acute exposures are estimated to be 550 parts per billion (ppb) for surface water and 85.7 ppb for ground water.

For chronic exposures for non-cancer assessments are estimated to be 550 ppb for surface water and 77.4 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For both acute and chronic dietary risk assessment, the water concentration value of 550 ppb was used to assess the contribution to drinking water. These drinking water estimates account for parent plus FMC65317 (*N*-[(2-chlorophenyl)methyl]-3-hydroxy-2,2-dimenthylpropanamide) which are the residues of concern in drinking water.

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

3. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found clomazone to share a common mechanism of toxicity with any other substances, and clomazone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that clomazone does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* There was no evidence of increased quantitative or qualitative susceptibility in the prenatal developmental toxicity study in rabbits or in the reproductive toxicity study in rats with clomazone. In the developmental toxicity study in rats, effects in the fetuses (delayed ossification) occurred at doses that produced maternal effects (chromorhinorrhea and abdominogenital staining) but were qualitatively more severe. Although qualitative susceptibility was observed in the developmental toxicity study in rats, the concern is low since there are clear NOAELs and LOAELs in this study and the NOAEL in the study was used as the POD for assessment of acute risk. EPA's assessment of acute risk is therefore protective of any developmental effects.

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

i. The toxicity database for clomazone is complete.

ii. Though there are no acute or subchronic neurotoxicity studies available for clomazone, there is no indication that clomazone is a neurotoxic chemical based on results of available subchronic, chronic, reproductive or developmental toxicity studies and no evidence of immunotoxicity. EPA concluded, based upon its assessment of available data, that acute and subchronic neurotoxicity studies are not required nor an additional uncertainty factor (UFs) needed to account for neurotoxicity.

iii. For the reasons described above, there is low concern regarding increased susceptibility in the young from exposure to clomazone.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to clomazone in drinking water. There are no existing or pending residential uses. Therefore, these assessments will not underestimate the exposure and risk posed by clomazone.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected for the general population including infants and children.

Therefore, clomazone is not expected to pose an acute risk to these groups.

An acute endpoint was identified for females 13–49 years old due to effects observed in fetuses. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to clomazone will occupy 3.0% of the aPAD for females 13–49 years old.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to clomazone from food and water will utilize 3.6% of the cPAD for all Infants < 1 year of age, the population group receiving the greatest exposure. There are no residential uses currently registered or proposed for clomazone, and thus no chronic exposures from residential use of clomazone.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposures take into account short-term and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Clomazone is not registered for any use patterns that would result in short-term or intermediate-term residential exposures. Because there is no short-term or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short-term or intermediate-term risk is necessary. EPA relies on the chronic dietary risk assessment for evaluating short-term and intermediate-term risk for clomazone. Therefore, short-term and intermediate-term aggregate risk assessments are not required.

4. *Aggregate cancer risk for U.S. population.* Based on the data summarized in Unit III.A., EPA has concluded that the cPAD is protective of any cancer risk clomazone poses to humans. As noted above, chronic dietary exposure is 3.6% of the cPAD for the highest exposed population subgroup.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography (GC) using a nitrogen phosphorus detector (NPD) or mass spectrometer (MS)) is available to enforce the tolerance expression. Samples are acid hydrolyzed, hexane extracted, Na_2CO_3 washed, and cleaned-up with a Florisil column. The resulting samples are analyzed. The limit of quantitation (LOQ) for this method is 0.05 ppm. A confirmatory procedure (GC/MS–SIM) is available (Method I, PAM II).

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

B. International Residue Limits

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

There are no Codex MRLs for residues of clomazone.

C. Response to Comments

One comment was received from ''American Citizen'' indicating concerns over what he/she believes to be unacceptable toxic effects to human health, plants, and the environment if EPA approves the proposed new uses of clomazone. The commenter indicated a general opposition to the use of pesticides. The commenter also cited toxic effects shown in clomazone toxicity studies and the alleged irrelevance of chronic animal studies to chronic human exposure as grounds for denying the tolerance petition.

EPA's response: The Agency has received similar categorical objections to the establishment of pesticide tolerances from several commenters on numerous previous occasions. Refer to **Federal Register** 70 FR 37686 (June 30, 2005), 70 FR 1354 (January 7, 2005), 69 FR 63096 (October 29, 2004) for the Agency's response to these types of comments. EPA disagrees with the commenter's assertion that a pesticide can cause toxic effects at high doses in animal studies necessarily means that a pesticide tolerance is unsafe. A determination on the safety of a tolerance must not only consider potential toxic effects of the pesticide but anticipated pesticide exposure levels as well. EPA's risk assessment did just that in finding that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to clomazone. EPA also disagrees with the assertion that chronic animal studies are not relevant to assessing human risk. Chronic animal studies have been relied upon by national and international health agencies for over 50 years in evaluating risks to humans from exposure to chemical substances.

D. Revisions to Petitioned-For Tolerances

After reviewing supporting data and information, EPA modified certain elements of the petition as proposed in the notice of filing, as follows:

1. EPA corrected the proposed commodity definition, ''*Brassica,* stem and head subgroup 5A'' to read ''*Brassica,* head and stem, subgroup 5A'' for consistency in naming of commodities, and

2. In place of the proposed tolerance for ''pea, southern, hay'', EPA is establishing tolerances for ''cowpea, forage'', and ''cowpea, hay'' because pea, southern, hay is a very minor feed, where as ''cowpea'' is a type of ''pea, southern''.

V. Conclusion

Therefore, tolerances are established for residues of clomazone, 2-[(2-chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone, in or on *Brassica,* head and stem, subgroup 5A at 0.10 ppm; cowpea, forage at 0.05 ppm; cowpea, hay at 0.05 ppm; pea, southern, dry seed at 0.5 ppm; pea, southern, succulent seed at 0.05 ppm; and rhubarb at 0.30 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under

Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children From Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

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

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: March 21, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.425 is amended by removing the entry for ''Cabbage'' from the table in paragraph (a), and by alphabetically adding the following entries

''*Brassica,* head and stem, subgroup 5A'', ''Cowpea, forage'', ''Cowpea, hay'', ''Pea, southern, dry seed'', ''Pea, southern, succulent seed'', and ''Rhubarb'' to the table in paragraph (a) to read as follows.

§ 180.425 Clomazone; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
* * * * *	
Brassica, head and stem, subgroup 5A	0.10
* * * * *	
Cowpea, forage	0.05
Cowpea, hay	0.05
* * * * *	
Pea, southern, dry seed	0.05
Pea, southern, succulent seed	0.05
* * * * *	
Rhubarb	0.30
* * * * *	

* * * * *

[FR Doc. 2014–07008 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0051; FRL–9907–05]

Propiconazole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of propiconazole in or on the rapeseed crop subgroup 20A. Syngenta Crop Protection requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 2, 2014. Objections and requests for hearings must be received on or before June 2, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0051, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers

determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0051 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 2, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0051, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-for Tolerance

In the **Federal Register** of February 15, 2013 (78 FR 11126) (FRL–9378–4), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8135) by Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419–8300. The petition requested that 40 CFR 180.434 be amended by establishing tolerances for residues of the fungicide propiconazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl] methyl]-1*H*-1,2,4-triazole, and its metabolites determined as 2,4,-dichlorobenzoic acid and expressed as parent compound, in or on rapeseed subgroup 20A at 0.3 parts per million (ppm). That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov*. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

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

The primary target organ for propiconazole toxicity in animals is the liver. Increased liver weights were seen in mice after subchronic or chronic oral exposures to propiconazole. Liver lesions such as vacuolation of hepatocytes, ballooned liver cells, foci of enlarged hepatocytes, hypertrophy and necrosis are characteristic of propiconazole toxicity in rats and mice. Decreased body weight gain was also seen in subchronic, chronic, developmental and reproductive studies in animal studies. Dogs appeared to be more sensitive to the localized toxicity of propiconazole as manifested by stomach irritations at 6 mg/kg/day and above.

In rabbits, developmental toxicity occurred at a higher dose than the maternally toxic dose, while in rats, developmental toxicity occurred at lower doses than maternal toxic doses. Increased incidences of rudimentary ribs occurred in rat and rabbit fetuses. Increased cleft palate malformations were noted in two studies in rats. In one published study in rats, developmental effects (malformations of the lung and kidneys, incomplete ossification of the skull, caudal vertebrae and digits, extra rib (14th rib) and missing sternbrae) were reported at doses that were not maternally toxic. In the 2-generation reproduction study in rats, offspring toxicity occurred at a higher dose than the parental toxic dose suggesting lower susceptibility of the offspring to the toxic doses of propiconazole.

The acute neurotoxicity study resulted in decreased motor activity at 300 mg/kg. The current acute dietary assessment is based on an endpoint more sensitive than the neurotoxicity in the acute neurotoxicity study. Based on a weight of evidence evaluation by the Agency, the subchronic neurotoxicity data requirement (SCN) was waived.

Propiconazole was negative for mutagenicity in the *in vitro* BALB/3T3 cell transformation assay, bacterial reverse mutation assay, Chinese hamster bone marrow chromosomal aberration assay, unscheduled DNA synthesis studies in human fibroblasts and primary rat hepatocytes, mitotic gene conversion assay and the dominant lethal assay in mice. It caused proliferative changes in the rat liver with or without pretreatment with an initiator, like phenobarbital, a known liver tumor promoter. Liver enzyme induction studies with propiconazole in mice demonstrated that propiconazole is a strong phenobarbital type inducer of xenobiotic metabolizing enzymes. Hepatocellular proliferation studies in mice suggest that propiconazole induces cell proliferation followed by treatment-related hypertrophy in a manner similar to the known hypertrophic agent phenobarbital.

Propiconazole was carcinogenic to male mice. Propiconazole was not carcinogenic to rats or to female mice. The Agency classified propiconazole as a possible human carcinogen and recommended that, for the purpose of risk characterization, the reference dose (RfD) approach be used for quantification of human risk. Propiconazole is not genotoxic and this fact, together with special mechanistic studies, indicates that propiconazole is a threshold carcinogen. Propiconazole produced liver tumors in male mice only at a high dose that was toxic to the liver. At doses below the RfD, liver toxicity is not expected; therefore, tumors are also not expected.

Specific information on the studies received and the nature of the adverse effects caused by propiconazole as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''Propiconazole Human Health Risk Assessment for an Section 3 Registration on Rapeseed Crop Subgroup 20A,'' pp. 41–47 in docket ID number EPA–HQ–OPP–2013–0051.

B. Toxicological Points of Departure/Levels of Concern

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

A summary of the toxicological endpoints for propiconazole used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of May 11, 2011 (76 FR 27261) (FRL–8873–2).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. In evaluating dietary exposure to propiconazole, EPA considered exposure under the petitioned-for tolerances as well as all existing propiconazole tolerances in 40 CFR 180.434. EPA assessed dietary exposures from propiconazole in food as follows:

i. *Acute exposure*. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for propiconazole. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). This dietary survey was conducted from 2003 to 2008. As to residue levels in food, EPA conducted an acute dietary analysis for propiconazole residues of concern using tolerance levels and 100 percent crop treated (PCT) for all existing and proposed uses.

ii. *Chronic exposure*. In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA's NHANES/WWEIA. This dietary survey was conducted from 2003 to 2008. As to residue levels in food, EPA conducted a chronic dietary analysis for propiconazole residues of concern using tolerance levels for some commodities, average field trial residues for the remaining commodities, and 100 PCT for all existing and proposed uses.

iii. *Cancer*. EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to propiconazole. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii.

iv. *Anticipated residue information*. Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

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

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of

propiconazole for acute exposures are estimated to be 55.78 parts per billion (ppb) for surface water and 0.64 ppb for ground water, and for chronic exposures are estimated to be 21.61 ppb for surface water and 0.64 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 55.78 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 21.61ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Propiconazole is currently registered for the following uses that could result in residential exposures: Turf, ornamentals, and in paint. The highest incidental oral and dermal exposure scenarios are expected from residential use on turf. EPA assessed short term risk to toddlers from incidental oral and dermal exposure and short-term risk to adults from dermal and inhalation residential handler exposure as well as from post-application dermal exposure. The highest post application exposure from residential use on turf was used to assess risk to short-term aggregate exposures.

The only residential use scenario that will result in potential intermediate term exposure to propiconazole is dermal and incidental oral post application exposure to children from wood treatment. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf*.

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Propiconazole is a member of the triazole-containing class of pesticides. Although conazoles act similarly in plants (fungi) by inhibiting ergosterol biosynthesis, there is not necessarily a relationship between their pesticidal activity and their mechanism of toxicity in mammals. Structural similarities do not constitute a common mechanism of toxicity. Evidence is needed to establish that the chemicals operate by the same, or essentially the same, sequence of major biochemical events (EPA, 2002). In conazoles, however, a variable pattern of toxicological responses is found; some are hepatotoxic and hepatocarcinogenic in mice. Some induce thyroid tumors in rats. Some induce developmental, reproductive, and neurological effects in rodents. Furthermore, the conazoles produce a diverse range of biochemical events including altered cholesterol levels, stress responses, and altered DNA methylation. It is not clearly understood whether these biochemical events are directly connected to their toxicological outcomes.

Thus, there is currently no evidence to indicate that conazoles share common mechanisms of toxicity and EPA is not following a cumulative risk approach based on a common mechanism of toxicity for the conazoles. For information regarding EPA's procedures for cumulating effects from substances found to have a common mechanism of toxicity, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative*.

Propiconazole is a triazole-derived pesticide. This class of compounds can form the common metabolite 1,2,4-triazole and two triazole conjugates (triazolylalanine and triazolylacetic acid). To support existing tolerances and to establish new tolerances for triazole-derivative pesticides, including propiconazole, U.S. EPA conducted a human health risk assessment for exposure to 1,2,4-triazole, triazolylalanine, and triazolylacetic acid resulting from the use of all current and pending uses of any triazole-derived fungicide. The risk assessment is a highly conservative, screening-level evaluation in terms of hazards associated with common metabolites (e.g., use of a maximum combination of uncertainty factors) and potential dietary and non-dietary exposures (i.e., high end estimates of both dietary and non-dietary exposures). In addition, the Agency retained the additional 10X FQPA safety factor for the protection of infants and children. The assessment includes evaluations of risks for various subgroups, including those comprised of infants and children. The Agency's complete risk assessment is found in the propiconazole reregistration docket at *http://www.regulations.gov*, Docket Identification (ID) Number EPA–HQ–OPP–2005–0497.

An updated dietary exposure and risk analysis for the common triazole metabolites 1,2,4-triazole (T), triazolylalanine (TA), triazolylacetic acid (TAA), and triazolylpyruvic acid (TP) was completed on October 24, 2013, in association with registration requests for several triazole fungicides (propiconazole, difenoconazole, and tebuconazole). That analysis concluded that risk estimates were below the Agency's level of concern for all population groups. This assessment may be found on *http://www.regulations.gov* by searching for the following title and docket number: ''Common Triazole Metabolites: Updated Aggregate Human Health Risk Assessment to Address The New Section 3 Registrations For Use of Propiconazole on Rapeseed Crop Subgroup 20A; Use of Difenoconazole on Rapeseed Crop Subgroup 20A; and Use of Tebuconazole on Imported Oranges'' (located in docket ID number EPA–HQ–OPP–2013–0051).

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity* . In the developmental toxicity study in rats, fetal effects observed in this study at a dose lower than that evoking maternal toxicity are considered to be quantitative evidence of increased susceptibility of fetuses to *in utero* exposure to propiconazole. In the developmental toxicity study in rabbits, neither quantitative nor qualitative evidence of increased susceptibility of fetuses to *in utero* exposure to propiconazole was observed in this study. In the 2-generation reproduction study in rats, neither quantitative nor qualitative evidence of increased susceptibility of neonates (as compared to adults) to prenatal and/or postnatal exposure to propiconazole was observed. There is no evidence of neuropathology or abnormalities in the development of the fetal nervous system from the available toxicity studies conducted with propiconazole. In the rat acute neurotoxicity study, there was evidence of mild neurobehavioral

effects at 300 mg/kg, but no evidence of neuropathology from propiconazole administration. Although there was quantitative evidence of increased susceptibility of the young following exposure to propiconazole in the developmental rat study, the Agency determined there is a low degree of concern for this finding and no residual uncertainties because the increased susceptibility was based on minimal toxicity at high doses of administration, clear NOAELs and LOAELs have been identified for all effects of concern, and a clear dose-response has been well defined.

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

i. The toxicity database for propiconazole is complete. The most recently published **Federal Register** notice on April 19, 2013 (78 FR 23497) (FRL–9381–8) cited an immunotoxicity study as a data gap, but since the publication of that final rule, the Agency has evaluated and granted a waiver request for this data requirement for the conazoles as a class based on the following considerations:

- There was no evidence of adverse effects on the immune system in mice, rats, or dogs in the data base for any of the conazole pesticides.
- The liver, not the immune system, is generally the target organ for this chemical class, and hepatotoxicity or body weight changes are the primary toxicological endpoints of concern and were used in risk assessments.
- The conazoles do not belong to a class of chemicals (e.g., the organotins, heavy metals, or halogenated aromatic hydrocarbons) that would be expected to be immunotoxic.

There was no evidence of immunotoxicity with six other structurally-related conazole fungicides, namely, flutriafol, metconazole, tebuconazole, tetraconazole, triadimefon, and triticonazole. For another conazole fungicide, triflumizole, the effects on the immune system occurred only at the highest dose tested. Immunotoxicity was demonstrated with difenoconazole, however it was observed in the presence of systemic toxicity and at a relatively high dose. PODs based on the most sensitive endpoints obtained via the appropriate routes of exposure in the most sensitive species are currently used for dietary and non-dietary risk assessments.

All these factors indicate that an immunotoxicity study would most likely not result in an adverse effect that could be used as an endpoint for conazole risk assessment. Based on a weight of evidence approach, the Agency concluded that immunotoxicity studies are not required for propiconazole. An immunotoxicity study is not anticipated to provide a lower POD or result in a more sensitive endpoint than those already used. Based on a weight of the evidence approach, EPA has waived the requirement for a subchronic neurotoxicity study for propiconazole. This data waiver was based on the following considerations:

i. Other than the mild effects seen at 300 mg/kg in the acute neurotoxicity study, the lack of neurotoxicity and neurobehavioral effects seen in the propiconazole toxicity database;

ii. The liver, not the nervous system, is the primary target organ of propiconazole toxicity, and decreased body weight is the most sensitive endpoint in repeated-dose studies. EPA concludes that a subchronic neurotoxicity study is unlikely to provide a lower endpoint than those currently used for risk assessment.

Finally, EPA waived the requirement for a subchronic inhalation data based on, among other things, its conclusion that even if an additional 10X safety factor was applied, inhalation exposure would not raise a risk of concern.

iii. Although an apparent increased quantitative susceptibility was observed in fetuses and offspring, for the reasons noted in this unit residual uncertainties or concerns for prenatal and/or postnatal toxicity are minimal.

iv. There are no residual uncertainties identified in the exposure databases. The acute dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues, while the chronic used a combination of tolerance-level residues and reliable data on average field trial residues and 100 PCT. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to propiconazole in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by propiconazole.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk*. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to propiconaozle will occupy 84% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to propiconazole from food and water will utilize 24% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of propiconazole is not expected.

3. *Short-term risk*. Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Propiconazole is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to propiconazole.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs from post-application activities (the highest exposure scenario) of 200 for adults and 96 for children 1–2 years old. This assessment is considered conservative since it is based on a combination of tolerance-level residues and reliable data on average field trial residues and 100 PCT, conservative assumptions in the ground and surface water modeling, and conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. Additionally, the assessment could be further refined by using PCT estimates and anticipated residues for all crops. Accordingly, even though this MOE for children 1–2 years old is slightly below the target MOE of 100, the difference is small and is more than offset by the conservative exposure assumptions and therefore not of concern.

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

Propiconazole is currently registered for use as a wood treatment that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to propiconazole.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in an aggregate MOE of 110 for children 1–2 years old. Because EPA's level of concern for propiconazole is a MOE of 100 or below, this MOE is not of concern.

5. *Aggregate cancer risk for U.S. population*. EPA considers the chronic aggregate risk assessment to be protective of any aggregate cancer risk.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, a high performance liquid chromatography with ultraviolet detection method (HPLC/UV Method AG–671A) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov*.

B. International Residue Limits

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

The Codex has established MRLs for propiconazole in or on rapeseed at 0.02 ppm. This MRL is different than the tolerance being established for propiconazole in the United States, which, as noted earlier, is 0.3 ppm. The approved uses for propiconazole in the United States will result in residues that exceed the Codex MRLs.

C. Response to Comments

The Agency received a comment objecting to the presence of any pesticide residues on crops and stated that EPA should set no pesticide tolerance greater than zero. The comment also stated that the Agency should have more information on long term testing before moving forward. A second comment also objected to this petition and stated that this product should be banned and never used and never produced in the USA. In addition, the second comment also noted several adverse effects seen in animal toxicology studies with propiconazole and claims because of these effects no tolerance should be approved. The Agency understands the concerns raised in the comments and recognizes that some individuals believe that pesticides should be banned completely. However, the existing legal framework provided by section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA), contemplates that tolerances greater than zero may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. The comments appear to be directed at the underlying statute and not EPA's implementation of it; no contention has been made that EPA has acted in violation of the statutory framework. In addition, EPA has found that there is a reasonable certainty of no harm to humans after considering these toxicological studies and the exposure levels of humans to propiconazole.

A third comment dealt with a different chemical entirely and thus needs no response.

V. Conclusion

Therefore, a tolerance is established for residues of propiconazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole, and its metabolites determined as 2,4,-dichlorobenzoic acid and expressed as parent compound, in or on rapeseed subgroup 20A at 0.30 ppm.

VI. Statutory and Executive Order Reviews

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

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

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final

rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: March 21, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.434, add alphabetically the following commodity to the table in paragraph (a) to read as follows:

§ 180.434 Propiconazole; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Rapeseed subgroup 20A	0.30
* * * * *	

* * * * *

[FR Doc. 2014–07100 Filed 4–1–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0011; FRL–9907–47]

Forchlorfenuron; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of forchlorfenuron in or on multiple commodities which are identified and discussed later in this document. KIM–C1, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 2, 2014. Objections and requests for hearings must be received on or before June 2, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0011, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0011 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 2, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0011, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 15, 2013 (78 FR 11126) (FRL–9378–4), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8104) by KIM–C1, LLC, 2547 West Shaw Avenue, Suite 116, Fresno, CA 93711. The petition requested that 40 CFR 180.569 be amended by establishing tolerances for residues of the plant growth regulator forchlorfenuron, (*N*-(2-chloro-4-pyridinyl)-*N*□-phenylurea), in or on almond; cherry, sweet; fig; pear; pistachio; and plum, prune, fresh at 0.04 parts per million (ppm) and almond, hulls at 0.15 ppm. That document referenced a summary of the petition prepared by KIM–C1, LLC, the petitioner, which is available in the docket, *http://www.regulations.gov.* A comment was received on the notice of filing. EPA's response to that comment is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has recommended that a tolerance of 0.01 ppm (excluding processed commodities) be establish for almond; cherry, sweet; fig; pear; pistachio; and plum, prune, fresh. KIM–C1, LLC proposed the petition to establish a tolerance of 0.04 ppm for the same commodities. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

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

Forchlofenuron is not acutely toxic via the oral, dermal, and inhalation routes. Dose-related effects noted in the dog following subchronic and chronic exposure were generally limited to decreased body weight and body-weight gain. In the rat, the only organ that appeared to be affected was the kidney, which showed suppurative inflammation, suppurative pyelonephritis, non-suppurative interstitial nephritis, and cortical cysts following chronic exposure. Developmental toxicity (decreased fetal body weight) was observed in the rat only at a maternally-toxic dose. The developmental toxicity studies in rats and rabbits, as well as the reproductive toxicity study in rats, did not demonstrate any increased pre- or postnatal sensitivity. There was no evidence of neurotoxicity in any of the submitted studies. Forchlorfenuron is classified as not likely to be a human carcinogen, and there is no concern for mutagenicity. There was no evidence of endocrine disruption in the forchlorfenuron database.

Specific information on the studies received and the nature of the adverse effects caused by forchlorfenuron as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document Forchlorfenuron: Human Health Risk Assessment for Proposed Uses on Almond, Sweet Cherry, Fig, Pear, Pistachio, and Plum/Prune in docket ID number EPA–HQ–OPP–2013–0011 (pages 26–30).

B. Toxicological Points of Departure/Levels of Concern

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

A summary of the toxicological endpoints for forchlorfenuron used for human risk assessment is shown in the following table.

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

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	No appropriate endpoint attributable to a single exposure (dose) was identified from oral toxicity studies, including the developmental studies; therefore an acute endpoint was not selected and an acute dietary risk assessment is not required.		
Chronic dietary (All populations)	NOAEL = 7 mg/kg/day. UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	Chronic RfD = 0.07 mg/kg/day. cPAD = 0.07 mg/kg/day.	Chronic oral toxicity study—rat LOAEL = 93 mg/kg/day based on decreased body weight/body-weight gain/food consumption, and kidney toxicity (suppurative inflammation in males; nonsuppurative interstitial nephritis in females)
Cancer (Oral, dermal, inhalation)	Classification: Not likely to be a human carcinogen, based on two adequate rodent carcinogenicity studies.		

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

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to forchlorfenuron, EPA considered exposure under the petitioned-for tolerances as well as all existing forchlorfenuron tolerances in 40 CFR 180.569. EPA assessed dietary exposures from forchlorfenuron in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for forchlorfenuron; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture's (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues and 100% crop treated. EPA noted that the temporary tolerances in/on olive and apple have expired; thus, these commodities were not included in the assessment. Dietary Exposure Evaluation Model (DEEM) (Version 7.81) default processing factors were used for dried pears, prune juice, cranberry juice, and grape juice. A processing factor was not used for raisins because a separate tolerance has been established for that commodity. In addition, a processing factor was not used for prunes (dried plums) because data show that residues of forchlorfenuron in prunes are not likely to exceed 0.01 ppm, the tolerance established for fresh plums. A processing factor was also not used for dried figs because data show that residues of forchlorfenuron in dried figs are not likely to exceed the tolerance for fresh figs.

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

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for forchlorfenuron. Tolerance-level residues and/or 100% CT were assumed for all food commodities.

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

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of forchlorfenuron for chronic exposures for non-cancer assessments are estimated to be 0.21 parts per billion (ppb) for surface water and 7.3 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 7.3 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Forchlorfenuron is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found forchlorfenuron to share a common mechanism of toxicity with any other substances, and forchlorfenuron does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that forchlorfenuron does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at

http://www.epa.gov/pesticides/cumulative.

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* There is no evidence of increased susceptibility following *in utero* exposure to forchlorfenuron in either the rat or rabbit developmental toxicity study nor is there any evidence of increased susceptibility following *in utero* and/or pre-/post-natal exposure in the 2-generation reproduction study in rats.

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

i. The toxicity database for forchlorfenuron is complete.

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

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

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to forchlorfenuron in drinking water. EPA used similarly conservative assumptions to assess exposure and risks posed by forchlorfenuron. These assessments will not underestimate the exposure and risks posed by forchlorfenuron.

E. Aggregate Risks and Determination of Safety

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

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

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to forchlorfenuron from food and water will utilize <1% of the cPAD. There are no residential uses for forchlorfenuron.

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

Forchlorfenuron is currently not registered for any use patterns that could result in short-term and intermediate-term residential exposure. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short- or intermediate-term risk is necessary. EPA relies on the chronic dietary risk assessment for evaluating short-term risk for forchlorfenuron.

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

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (High-Pressure Liquid Chromatography with Ultraviolet/Visible (HPLC/UV) method (Method # CCRL–MTH–029) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for forchlorfenuron.

C. Response to Comments

One comment was received in response to the notice of filing of the KIM–C1, LLC's application. The commenter objected to the increase of chemical residues generally and expressed concerns about the effects of chemicals in general on humans and the environment. The Agency understands the commenter's concerns regarding toxic chemicals and their potential effects on humans and environment. Pursuant to its authority under the FFDCA, and as discussed further in this preamble, EPA conducted a comprehensive assessment of forchlorfenuron. Based on its assessment of the available data, the Agency has concluded that there is a reasonable certainty that no harm will result from aggregate exposure to residues of forchlorfenuron.

D. Revisions to Petitioned-For Tolerances

KIM–C1, LLC proposed tolerances for almond; cherry, sweet; fig; pear;

pistachio; and plum, prune, fresh at 0.04 ppm, stating that the proposed residue level for each commodity was derived using the Organisation for Economic Co-operation and Development (OECD) MRL calculation procedures. EPA does not concur that these are the appropriate outputs from the OECD MRL calculation procedures. All residue values for all crops (not including processed commodities) are less than the analytical method limit of quantitation (LOQ) of 0.01 ppm. When all inputs for a commodity are less than the LOQ, also known as ''censored'' values, the OECD calculator recommends a tolerance level at the method LOQ. Therefore, to be consistent with the OECD MRL calculation procedures, EPA is recommending that a tolerance of 0.01 ppm be established for almond; cherry, sweet; fig; pear; pistachio; and plum, prune, fresh.

V. Conclusion

Therefore, tolerances are established for residues of forchlorfenuron, (*N*-(2-chloro-4-pyridinyl)-*N*-phenylurea), in or on almond; cherry, sweet; fig; pear; pistachio; and plum, prune, fresh at 0.01 ppm and in or on almond, hulls at 0.15 ppm. In addition, EPA is removing from 40 CFR 180.569(a)(2) the temporary tolerances, which are superseded by the permanent tolerances being established in today's action.

VI. Statutory and Executive Order Reviews

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

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

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

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: March 21, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.569:

■ a. Revise paragraph (a) introductory text.

■ b. Add alphabetically the commodities to the table in paragraph (a).

■ c. Remove paragraph (a)(2).

The revision and additions read as follows:

§ 180.569 Forchlorfenuron; tolerances for residues.

(a) *General.* Tolerances are established for residues of forchlorfenuron, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only forchlorfenuron (*N*-(2-chloro-4-pyridinyl)-*N*-phenylurea).

Commodity	Parts per million
Almond	0.01
Almond, hulls	0.15
* * * * *	
Cherry, sweet	0.01
Fig	0.01
* * * * *	
Pear	0.01
Pistachio	0.01
Plum, prune, fresh	0.01

* * * * *

[FR Doc. 2014–07103 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[EPA–HQ–RCRA–2013–0396; FRL–9908–98–OSWER]

RIN 2050–AG79

Polychlorinated Biphenyls (PCBs): Manufacturing (Import) Exemption for the Defense Logistics Agency (DLA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or the Agency) is taking direct final action on a petition from the United States Defense Logistics Agency (DLA) to import foreign-manufactured polychlorinated biphenyls (PCBs). For purposes of the Toxic Substances Control Act (TSCA), ''manufacture'' is defined to include the import of chemical substances into the customs territory of the United States. With certain exceptions, section 6(e)(3) of TSCA bans the manufacture, processing, and distribution in commerce of PCBs. One of these exceptions is TSCA section 6(e)(3)(B), which gives EPA authority to grant petitions to import PCBs into the customs territory of the United States for a period of up to 12 months, provided EPA can make certain findings by rule. On April 23, 2013, EPA received a petition from DLA, a component of the United States Department of Defense (DoD), to import foreign-manufactured PCBs that DoD currently owns in Japan for disposal in the United States. EPA is granting DLA's petition as of July 1, 2014. This decision to grant the petition allows DLA to manufacture (i.e., import) certain PCBs for disposal. EPA has granted two previous exemptions in 2003 and 2007 to DLA for similar petitions to import PCBs for disposal. Without an exemption granted by EPA, DLA would not be allowed to import the PCB waste to the U.S. for proper disposal. In fact, if the exemption is not granted, it is very likely that DLA will not be able to find any country willing to accept and properly dispose of the PCB waste.

DATES: This direct final rule will be effective July 1, 2014 without further notice, unless EPA receives adverse written comment or a request for an informal hearing (per 40 CFR part 750, subpart B) by May 2, 2014 If adverse comments or a request for an informal hearing are received, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect based on the direct final rule. EPA will then address all public comments in any subsequent final rule based on the proposed rule which accompanies this direct final rule.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2013–0396, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Email: *rcra-docket@epa.gov.* Attention Docket ID No. EPA–HQ–RCRA–2013–0396.
- Mail: RCRA Docket, Mail Code 28221T, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–RCRA–2013–0396. Please include two copies.
- Hand Delivery: Please deliver two copies to the EPA Docket Center (EPA/DC), WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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–RCRA–2013–0396. 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. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/dockets/.*

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 RCRA Docket, EPA/DC, WJC 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 RCRA Docket is (202) 566–0270.

FOR FURTHER INFORMATION CONTACT: Kelly Greene, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, (MC: 5304P), 1200 Pennsylvania Avenue NW., Washington, DC 20460, Phone: 703–347–0363; or by email: *greene.kelly@epa.gov.*

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I. Why is EPA using a direct final rule?

EPA is publishing this rule as a direct final rule because the Agency views this action as noncontroversial and EPA anticipates no adverse comments since EPA has granted two previous exemptions to DLA for similar petitions to import PCB waste (68 FR 4934 and 72 FR 53152) (Ref. 2, 3). EPA received no adverse comments or requests for an informal hearing for either of the previous two DLA petitions, the last of which was granted on September 18, 2007. In the absence of an exemption, import of the waste identified by the petitioner would be banned from being imported into the customs territory of the United States by section 6(e)(3) of TSCA. The petition, dated April 23, 2013, is for an exemption to import for proper disposal certain PCBs under the control of DLA that are currently in use or storage in Japan (Ref. 1). Additionally, EPA believes that a direct final rule will expedite processing of an import exemption and the proper disposal of the PCB wastes, further reducing risks from long term storage overseas.

If EPA receives adverse comment, we will publish a timely withdrawal in the

Federal Register informing the public that the rule will not take effect based on the direct final rule. Any parties interested in commenting must do so at this time. If an informal hearing is requested, the Agency will publish the place and time of the hearing. Public comments will be accepted for one week after the close of the informal hearing. If we receive adverse comments, after withdrawing the direct final rule, we will address all public comments in any subsequent final rule based on the accompanying proposed rule.

If the Agency does not receive adverse comments or a request for an informal hearing, this direct final rule will take effect on July 1, 2014.

II. Does this action apply to me?

This action applies to the petitioner, the U.S. Defense Logistics Agency. However, you may be potentially affected by this action if you process, distribute in commerce, or dispose of the PCB waste imported by DLA, i.e., you are an EPA-permitted PCB waste handler. Potentially affected categories and entities include, but are not necessarily limited to:

- Waste treatment and disposal North American Industrial Classification System ((NAICS) code 5622), e.g., facilities that store or dispose of PCB waste.
- Materials recovery facilities (NAICS code 56292), e.g., facilities that process and/or recycle metals.
- Public administration (NAICS code 92), e.g., the petitioning agency (i.e., DLA).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities potentially affected by this action. Other types of entities not listed in this section could also be affected. The NAICS codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR part 761. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT** section of this document.

III. Background

Section 6(e)(3)(A) of TSCA prohibits the manufacture, processing, and distribution in commerce of PCBs, except for the distribution in commerce of PCBs that were sold for purposes other than resale before April 1, 1979. Section 6(e)(1) of TSCA also authorizes EPA to regulate the disposal of PCBs consistent with the provisions in section 6(e)(2) and (3) of TSCA.

Section 6(e)(3)(B) of TSCA, however, stipulates that any person may petition the EPA Administrator for an exemption from the prohibition on the manufacture, processing, and distribution in commerce of PCBs. The Administrator may by rule grant an exemption if the Administrator finds that:

(i) An unreasonable risk of injury to health or the environment would not result, and (ii) good faith efforts have been made to develop a chemical substance which does not present an unreasonable risk of injury to health or environment and which may be substituted for such polychlorinated biphenyl. (15 U.S.C. 2605(e)(3)(B)(i)–(ii)).

The Administrator may prescribe terms and conditions for an exemption and may grant an exemption for a period of not more than one year from the date the petition is granted. In addition, section 6(e)(4) of TSCA requires that a rule under section 6(e)(3)(B) of TSCA be promulgated in accordance with sections 6(c)(2), (3) and (4) of TSCA, which provide for publication of a proposed rule, the opportunity for written comments and an informal hearing, if requested, and publication of a final rule.

EPA's procedures for rulemaking under section 6 of TSCA are found under 40 CFR part 750. This part includes Subpart B—Interim Procedural Rules for Manufacturing Exemptions, which describes the required content for manufacturing exemption petitions and the procedures that EPA follows in rulemaking regarding these petitions. These rules are codified at 40 CFR 750.10 through 750.21.

IV. Findings Necessary To Grant Petitions

A. No Unreasonable Risk Finding

Before granting an exemption petition, section 6(e)(3)(B)(i) of TSCA requires the Administrator to find that granting an exemption would not result in an unreasonable risk of injury to health or to the environment. EPA expects a petitioner to demonstrate in its petition that the activity will not pose an unreasonable risk. (See 40 CFR 750.11.)

To determine whether a risk is unreasonable, EPA balances the probability that harm will occur to health or to the environment against the benefits to society from granting or denying each petition. See generally, 15 U.S.C. 2605(c)(1). Specifically, EPA considers the following factors:

1. *Effects of PCBs on human health and the environment.* In deciding whether to grant an exemption, EPA considers the magnitude of exposure and the effects of PCBs on humans and the environment. The following discussion summarizes EPA's assessment of these factors. A more complete discussion of human health and environmental effects of PCBs is provided in the advance notice of proposed rulemaking for the reassessment of PCB use authorizations in the **Federal Register** of April 7, 2010 (75 FR 17645) (Ref. 5). The Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profile for PCBs (2000) has also provided a recent review of PCB human health and environmental effects (Ref. 6).

a. Health effects. EPA has determined that PCBs cause significant human health effects, including cancer (classified as a probable human carcinogen), immune system suppression, liver damage, skin irritation, and endocrine disruption. PCBs exhibit neurotoxicity, as well as reproductive and developmental toxicity. PCBs are readily absorbed through the skin and are absorbed at even faster rates when inhaled. Because PCBs are stored in animal fatty tissue, humans are also exposed to PCBs through ingestion of animal products.

b. Environmental effects. Certain PCB congeners are among the most stable chemicals known, and decompose very slowly once they are released into the environment. PCBs are absorbed and stored in the fatty tissue of higher organisms as they bioaccumulate up the food chain through invertebrates, fish, and mammals. Significantly, bioaccumulated PCBs appear to be even more toxic than those found in the ambient environment, since the more toxic PCB congeners are more persistent and thus more likely to be retained. PCBs also have reproductive and other toxic effects in aquatic organisms, birds, and mammals.

c. Risks. Toxicity and exposure are the two basic components of risk. EPA has concluded that exposure of humans or the environment to PCBs may be significant, depending on such factors as the quantity of PCBs involved in the exposure and the effect of exposure. Minimizing exposure to PCBs should minimize potential risk. As shown through the 40 CFR Part 761 regulations that detail proper disposal and storage options, EPA has previously determined that some activities, including the disposal of PCBs, pose no unreasonable risks. Other activities, such as long-term

storage of PCB waste, are generally considered by EPA to pose unreasonable risks.

2. *Benefits and costs.* The benefits to society of granting an exemption vary, depending on the activity for which the exemption is requested. The reasonably ascertainable costs of denying an exemption vary, depending on the individual petition. As discussed in Section V of this preamble, EPA has taken benefits and costs into consideration when evaluating this exemption petition.

B. Good Faith Efforts Finding

Section 6(e)(3)(B)(ii) of TSCA requires the Administrator to find that ''good faith efforts have been made to develop a chemical substance which does not present an unreasonable risk of injury to health or the environment and which may be substituted for [PCBs].'' EPA expects a petitioner to demonstrate in its petition how this standard is met. (See 40 CFR 750.11.) EPA considers several factors in determining whether good faith efforts have been made. For each petition, EPA considers the kind of exemption the petitioner is requesting and whether the petitioner can demonstrate that time and effort have been expended to develop or search for a substitute. In each case, the burden is on the petitioner to show specifically what was done to substitute non-PCB material for PCBs or to show why it was not feasible to substitute non-PCBs for PCBs.

To satisfy this finding for requests for an exemption to import PCBs for disposal, a petitioner must show why such activities should occur in the United States and what steps have been taken to develop a substitute. While requiring a petitioner to demonstrate that good faith efforts to develop a substitute for PCBs makes sense when dealing with exemption petitions for traditional manufacture and distribution in commerce, the issue of the development of substitute chemicals seems to have little bearing on whether to grant a petition for exemption that would allow the import into the United States for disposal of PCB waste. However, because section 6(e)(3)(B) allows a petitioner to request an exemption from any of the prohibitions listed in section 6(e)(3)(A), EPA believes that it is appropriate to apply the standard in a way that is relevant to the particular exemption requested. Therefore, EPA believes that the relevant ''good faith'' issue for an exemption request to import PCBs for disposal in the customs territory of the United States is whether the disposal of the waste could and/or should occur outside the United States.

V. Final Disposition of This Exemption Petition

A. The Petition: April 23, 2013 Petition To Import PCBs Located in Japan

On April 23, 2013, DLA submitted a petition seeking a 1-year exemption to import PCBs and PCB Items currently in storage at U.S. military installations in Japan (Ref. 1). DLA estimates that as much as 1,014,222 pounds of waste contaminated with PCBs could be generated in Japan through the calendar year 2014. The material in Japan consists of transformers (drained and un-drained), large and small capacitors, voltage regulators, switches, electromagnets, circuit breakers, reclosers, electrical cable, electric light ballasts, used dielectric fluids containing PCBs, and PCB-contaminated soil and debris (*e.g.,* rags, small parts, packaging materials). Ninety four percent of the waste is at PCB concentrations below 50 ppm. Details of the particular amounts and concentrations DLA is petitioning to import can be found in Attachment 1 of the DLA petition, which can be found in the docket. EPA has concluded that import of DLA's PCBs will not cause a shortage of domestic PCB storage or disposal capacity. In addition, EPA has concluded that the amounts of PCBs available for import are small in comparison to domestic generation, and pose little threat of overwhelming domestic disposal capacity. (Ref. 4)

1. *Information regarding no unreasonable risk provided by the petitioner.* DLA will package, transport, treat, and dispose of these PCBs in the same manner as PCBs identified in its previous petitions, which EPA granted in 2003 and 2007 to allow the import of up to 4,293,621 and 1,328,428 pounds of waste contaminated with PCBs, respectively (Ref. 2, 3). Specifically, DLA notes its adherence to applicable modal and inter-modal national and/or international packaging, marking, labeling and shipping paper regulations, such as the United Nations (UN) Performance Oriented Packaging (POP) standards, the International Maritime Dangerous Goods (IMDG) Code/ International Maritime Organization (IMO) requirements, the International Civil Aviation Organization (ICAO) Technical Instructions, requirements of the International Air Transport Association (IATA), UN Recommendations on the Transport of Dangerous Goods Code, and provisions of the Hazardous Materials Regulations at 49 CFR 100–199. DLA further notes that proper handling and shipping will include blocking, bracing, over packing, and inclusion of spill containment devices, as required by applicable transportation regulations.

DLA further indicates that it will handle and dispose of all PCBs and PCB Items in conformance with the PCB regulations at 40 CFR Part 761. DLA has considerable experience and expertise in awarding and administering disposal contracts for PCBs and PCB Items in the U.S. and will award contracts with commercial firms in accordance with all applicable Federal procurement statutes and the Federal Acquisition Regulations (FAR). DLA additionally notes that only companies with the required Federal and/or state-permits for the transportation, storage, treatment and disposal of PCBs and PCB Items would be considered as eligible for award of such contracts. DLA's exemption petition does not request to limit the storage, treatment or disposal of PCBs and PCB Items imported from Japan to management at a particular facility; rather DLA requests that any storage, treatment, or disposal facility that has the appropriate Federal and/or state permits for PCBs and PCB Items and for which DLA has entered a contract be allowed to manage these materials.

DLA notes that it and its contractors have extensive experience in safely returning PCBs and PCB Items to the United States for treatment and disposal, and that DLA has returned several million pounds of PCBs and PCB Items for compliant disposal in the United States, including 3.6 million pounds of foreign-manufactured PCBs and PCB Items imported under the two previously granted exemptions.[1] Throughout the course of this experience, DLA has used the same standards and procedures discussed above without spills or safety problems affecting human health or the environment.

2. *Information regarding good faith efforts provided by the petitioner.* DLA states in its petition that disposal of its PCBs and PCB Items in Japan is not an available disposal option.

As DLA noted in its exemption request, there are significant impediments to disposal on DOD military installations in Japan. As noted in the DLA petition, while there may exist certain mobile technology capable of treating some of the PCBs and PCB Items generated by United States military forces in Japan, there are also significant impediments to obtaining the

[1] As noted previously, DLA had authority to import up to 5.5 million pounds of PCBs and PCB Items.

permits that would be required to have that technology approved for use on United States military installations, where residual wastes and metals would still need to be taken off-installation for disposal. Complicating the situation further is that any transfer or sale of property from the U.S. military installations into Japanese commerce is considered an ''import'' of property. Japan has banned the importation of PCBs and PCB Items at any detectable concentration including concentrations below the very stringent 0.5 ppm level at which Japan regulates domestic PCBs. DLA's market research suggested a potential could exist for disposal of some limited waste streams in newly permitted Japanese facilities (i.e., ''off-installation'' disposal). However, DLA has not been able to identify any change in Japanese law that would allow off-installation disposal in Japan nor the existence of any properly permitted vendor or technology that would be currently available to properly treat the DOD generated PCBs and PCB Items within the confines of the United States installations in Japan. Accordingly, on-site treatment does not present a reasonable alternative to the import of these wastes for proper disposal in the United States in compliance with TSCA Section 6(e)(3).

DLA further notes that disposal of this waste in another country is not a viable option. DLA cites its 1999 Report to Congress as background on the difficulty it faces in finding suitable disposal alternatives for PCBs and PCB Items generated or owned by DOD overseas. In particular, DLA discusses the difficulty of shipping waste from Japan to other countries as a result of the Basel Convention. Prior to its previous petitions, DLA and its primary disposal contractor made extensive contacts over a period of several years with Japanese officials and disposal facilities in numerous locations outside the United States in an effort to identify firms who could dispose of such PCBs and PCB Items while satisfying the Basel Convention requirements. At that time, the DOD also consulted at length with the State Department officials in Japan and in the United States whose responsibilities include international environmental matters. The variety of problems identified in these contacts regarding overseas disposal of certain PCB Items resulted in a consensus that use of existing facilities in other developed countries was not a reasonable alternative. Even if other countries had the physical capacity to accept these wastes, non-governmental organizations might be expected to oppose the DOD's disposal of its waste in third countries (that is, countries other than Japan and the United States) because the United States has the technical capability to properly dispose of the hazardous materials itself.

DLA concludes that its diligent but so far unsuccessful attempts to locate appropriate disposal sites outside the United States demonstrate its good faith efforts to pursue alternatives to disposal within the United States and fulfill the requirements of TSCA 6(e)(3)(B).

B. EPA's Final Decision on the Petition: April 23, 2013 Petition; EPA Is Granting This Petition

1. *No unreasonable risk determination.* EPA finds generally that the disposal of imported PCBs and PCB Items at an EPA-approved PCB disposal facility poses no unreasonable risks as these facilities have been approved on the basis of that standard. In addition, as with the previous two petitions, EPA concurs with DLA's assessment that transportation of this waste will pose no unreasonable risk if conducted in accordance with all applicable laws and regulations. Therefore, for the following reasons, EPA finds that there is no unreasonable risk from importing the PCBs and PCB Items by DLA from Japan to the United States for disposal, as outlined below.

i. PCBs are hazardous and pose a potential risk to health and the environment. Proper disposal would reduce PCB-associated risks.

ii. Risk results from a combination of exposure (likelihood, magnitude and duration) and the probability of effects occurring under the conditions of exposure. Because the probability of a transport accident occurring is low (Ref. 4), the likelihood of exposure to PCBs is commensurately low. Consequently, the probability of adverse effects to human health or the environment is low.

iii. The PCB-containing materials will be packaged in a manner consistent with Federal, State, and local regulations addressing the risks associated with the storage and transportation of hazardous wastes. In addition, PCB waste will be continuously monitored during the water transport from Japan to the United States. Contingency plans are required by the International Maritime Dangerous Goods Code and DOT to be in place before and after the import of PCB-containing items to the United States. Moreover, the PCB Items that will be transported to the United States generally have a low combustion likelihood, which will make the probability of fires low. Together, these contingency measures will minimize exposure to humans and the environment in the event of an accident or emergency during ocean transport.

iv. Given the aforementioned information, the exposure likelihood, frequency, and duration are so low that even though PCBs are considered to be highly hazardous, any risk resulting from the combined exposure and hazard potential is expected to be low to human health or the environment.

v. The potential for human health risks are further mitigated by the limited duration of exposure. PCBs are most hazardous following long-term (chronic) exposures. Under the transport scenario proposed, any exposures to humans (i.e., accidental or emergency situation) would be of very short duration. Hence, the low probability of exposure occurring combined with the short-term duration of exposure, should one occur, further supports a qualitative conclusion that there is no unreasonable risk to human health.

vi. The long-term concern is the potential for accumulation in the ecological environment. Under a worst case scenario where all of the PCBs were released due to an unforeseen and highly unlikely catastrophic event during transport, PCB-exposed biological receptors could be adversely affected. However, this scenario is highly unlikely because it would require a complete failure of all safeguards that will be in place. Furthermore, the alternative of storing the PCBs indefinitely seems to pose more risk than transport. Moreover, should an accident occur, emergency response authorities would be invoked to mitigate and/or remediate exposures.

2. *Good faith efforts to find substitutes met.* Section 6(e)(3)(B)(ii) of TSCA requires the Administrator to make an additional finding, that ''good faith efforts have been made to develop a chemical substance that does not present an unreasonable risk of injury to health or the environment and which may be substituted for such polychlorinated biphenyl.'' EPA has interpreted this provision to require that a petitioner has the burden of demonstration that it has made the requisite good faith efforts. (See 40 CFR 750.11.)

EPA finds that DLA has demonstrated good faith efforts to find alternatives to disposal of this PCB waste in the United States. EPA acknowledges the restrictions to disposing of this waste in Japan. DLA has also explored exporting this waste to other countries as an alternative. However, DLA has indicated, and EPA acknowledges, the peculiar circumstances of DOD's PCBs and PCB Items, which, while present in

one country (i.e., Japan), are generated by another country's government, leading to significant difficulty in providing Basel Convention notification to third party countries. Given these difficulties, EPA concurs with DLA's conclusion that disposal in a third country (that is, countries other than Japan and the United States) is not a viable alternative for this waste.

3. Benefits of Granting the Petition

i. *Avoiding the risks of long-term storage.* EPA believes that granting the petition to DLA to import 1,014,222 pounds of waste contaminated with PCBs (94% of which is less than 50 ppm) will benefit the United States and the environment in general. As DLA notes, the continued long-term storage of PCB waste on U.S. military facilities in Japan poses risks to U.S. personnel and the environment—risks that can be eliminated through the action finalized in the petition.

ii. *Ensuring proper and safe disposal.* Granting the petition allows the United States to accept responsibility for the PCBs and PCB Items it generates by assuring proper and safe disposal in domestic permitted disposal facilities.

iii. *Ensuring the safety of Japanese citizens.* EPA considers the reduction of risk to Japanese citizens to be advantageous, especially in light of the heightened concerns over PCBs in that country. Granting the petition is the only practical mechanism to remove this waste from Japan; otherwise, the U.S. military would be required to explain to its Japanese hosts that it cannot remove its own toxic waste from their country because U.S. law does not allow the waste to be sent to the United States.

For these reasons, EPA finds DLA has satisfied the exemption criteria of TSCA section 6(e)(3)(B) and is granting the petition.

VI. References

1. DOD, DLA. Petition from David Rodriguez, Director to EPA. Subject: Petition to the United Sates Environmental Protection Agency For an Exemption Under the Toxic Substances Control Act to Import Polychlorinated Biphenyls (PCB) and PCB Items for Disposal. April 23, 2013. 19 pp.

2. EPA, OPPT. Polychlorinated Biphenyls; Manufacturing (Import) Exemption. Final Rule. **Federal Register** (72 FR 53152, April 30, 2007) (FRL–8143–4). Available online at *https://www.federalregister.gov/articles/2007/09/18/E7-18345/polychlorinated-biphenyls-manufacturing-import-exemption,* Document ID: EPA–HQ–OPPT–2005–0042–0008.

3. EPA, OPPT. Polychlorinated Biphenyls; Manufacturing (Import) Exemptions. Final Rule. **Federal Register** (68 FR 4934, January 31, 2003) (FRL–7288–6). Available online at *http://www.federalregister.com/Browse/Document/usa/na/fr/2003/1/31/03-2344,* Document ID: EPA–HQ–OPPT–2002–0013–0041.

4. EPA, OPPT. Disposal of Polychlorinated Biphenyls; Import for Disposal. Final Rule. **Federal Register** (61 FR 11096, March 18, 1996) (FRL–5354–8). Available online at *http://www.epa.gov/fedrgstr/EPA-TOX/1996/March/Day-18/pr-24122.txt.html.*

5. EPA, OPPT. Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations. Advanced Notice of Proposed Rulemaking. **Federal Register** (75 FR 17645, April 7, 2010) (FRL–8811–7). Available online at *http://www.regulations.gov,* Document ID: EPA–HQ–OPPT–2009–0757–0001.

6. The U.S. Department of Agriculture, Public Health Service, Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profile for Polychlorinated Biphenyls (PCBs) (November 2000). Available online at *http://www.atsdr.cdc.gov/toxprofiles/tp17.pdf.*

VII. Statutory and Executive Order Reviews

As explained above, this action will only grant an exemption for one year for the DLA to import PCB waste from military operations in Japan. For that reason, 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);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), for State, local, or tribal governments or the private sector and contains no regulatory requirements that might significantly or uniquely affect small governments;
- does not have Federalism implications as specified in Executive Order 13132: Federalism (64 FR 43255, August 10, 1999);
- does not have tribal implications as specified by Executive Order 13175: Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000), because, as the rule does not make any substantive changes, it will not impose substantial direct costs on tribal governments or preempt tribal law;
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045: Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997);
- 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;
- does not involve technical standards, thus the requirements of § 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply; and
- does not have disproportionately high and adverse human health or environmental effects on minority or low-income populations under Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994) because it does not affect the level of protection provided to human health or the environment.

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business that is primarily engaged in hazardous waste treatment and disposal as defined by NAICS code 562211, with annual receipts of less than 12.5 million dollars (based on Small Business Administration size standards); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's direct final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This rule merely allows DOD to bring its PCB waste back to the U.S. from Japan for proper disposal.

B. Congressional Review Act

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. Under the CRA, a ''major rule'' cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a

''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous substances, and Polychlorinated biphenyls.

Dated: March 25, 2014.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 761—[AMENDED]

■ 1. The authority citation for Part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

Subpart E—[Amended]

■ 2. Section 761.80 is amended by revising paragraph (j) to read as follows:

§ 761.80 Manufacturing, processing and distribution in commerce exemptions.

* * * * *

(j) The Administrator grants the United States Defense Logistics Agency's April 23, 2013 petition for an exemption for 1 year beginning on July 1, 2014, to import up to 1,014,222 pounds of PCBs and PCB Items stored or in use in Japan as identified in its petition for disposal.

* * * * *

[FR Doc. 2014–07393 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–42

[FMR Change 2014–01; FMR Case 2014–102–1; Docket No. 2014–0006; Sequence No. 1]

RIN 3090–AJ43

Federal Management Regulation; Change in Consumer Price Index Minimal Value

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: The public law regarding the receipt and disposition of foreign gifts and decorations requires that at 3-year intervals following January 1, 1981, minimal value for foreign gifts be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the Consumer Price Index for the immediately preceding 3-year period. The required consultation has been completed and the minimal value has been increased to mean $375 or less as of January 1, 2014.

DATES: *Effective:* April 2, 2014.

Applicability: This final rule applies to all foreign gifts received on or after January 1, 2014.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Robert Holcombe, Director, Asset Management Policy Division (202–501–3828). For information pertaining to status or publication schedules, contact the U.S. General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405–0001, 202–501–4755.

SUPPLEMENTARY INFORMATION: Beginning in 1984 the definition for ''minimal value'' for foreign gifts and decorations has been redefined through the rule making process based on public law and the change in consumer price index for the preceding three years. During the three years preceding 1996, the ''minimal value'' was defined as $225.00. Subsequently, the definition of ''minimal value'' has been redefined under the following Federal Property Management Regulation (FPMR) and Federal Management Regulation (FMR) amendments: FPMR Amendment H–193, dated November 26, 1996; FPMR Amendment H–202, dated March 22, 1999; FMR Amendment B–1, dated September 4, 2002; FMR Amendment 2005–1, FMR Case 2004–102–8, dated January 12, 2005; FMR Amendment 2008–03, FMR Case 2008–102–1, dated February 8, 2008; and, FMR Change 2011–01, FMR Case 2011–102–1, dated May 25, 2011. During that time frame the ''minimal value'' increased in 1996 from $245.00 to $350.00 in 2011. This current revision to the definition of ''minimal value'' will increase the value to $375.00.

A. Executive Orders 12866 and 13563

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

B. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the revisions are not considered substantive. This final rule is also exempt from the Regulatory Flexibility Act per 5 U.S.C. 553 (a)(2) because it applies to agency management. However, this final rule is being published to provide transparency in the promulgation of Federal policies.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Small Business Reform Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it does not substantially affect the rights or obligations of non-agency parties.

List of Subjects in 41 CFR Part 102–42

Conflict of interests, Decorations, medals, awards, Foreign relations, Government property, Government property management.

Dated: February 28, 2014.

Dan Tangherlini,

Administrator of General Services.

For the reasons set forth in the preamble, 41 CFR part 102–42 is amended as follows:

PART 102–42—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

■ 1. The authority citation for part 102–42 is revised to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); sec. 515, 91 Stat. 862 (5 U.S.C. 7342).

§ 102–42.10 [Amended]

■ 2. Amend § 102–42.10, in the definition of ''*Minimal value*'', by removing ''$350'' and adding ''$375'' in its place.

[FR Doc. 2014–07369 Filed 4–1–14; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 25 and 32

[Docket No. FWS–HQ–NWRS–2013–0074; FXRS12650900000–134–FF09R20000]

RIN 1018–AZ87

2013–2014 Refuge-Specific Hunting and Sport Fishing Regulations

Correction

In rule document 2014–05214, appearing on pages 14810 through 14844 in the issue of Monday, March 17, 2014, make the following correction:

§ 32.53 North Dakota. [Amended]

■ On page 14837, in the first column, below the paragraph that reads ''9. We prohibit the use of horses, mules, or similar livestock on the refuge during all hunting seasons.'' insert the following:

10. We prohibit accessing refuge lands from refuge waters.

C. Big Game Hunting. We allow deer hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We open the refuge daily from 5 a.m. to 10 p.m.

2. We only allow the use of portable tree stands and ground blinds. We prohibit leaving stands and blinds overnight (see § 27.93 of this chapter) on the refuge. Tree stands cannot injure trees. Screw-in steps, bolts, nails, wire, or other objects that penetrate the bark of the tree cannot be used (see § 32.2(i)).

3. We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.

4. We prohibit the use of flagging, trail markers, paint, reflective tacks, or other types of markers (see § 27.93 of this chapter).

5. We prohibit the use of trail cameras and other electronic equipment.

6. Conditions B7 through B10 apply.

* * * * *

J. Clark Salyer National Wildlife Refuge

A. Migratory Game Bird Hunting.

* * *

2. We allow the use of dogs for hunting and retrieving game birds. Dogs must be under direct control of the hunter (see § 26.21(b) of this chapter).

* * * * *

B. Upland Game Hunting. We allow hunting of ruffed and sharp-tailed grouse, Hungarian partridge, turkey, ring-necked pheasant, and fox on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

2. We allow hunting for sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant on nine designated Public Hunting Areas as delineated on the refuge hunting brochure map available at the refuge headquarters or posted on refuge information boards and/or kiosks.

3. We allow hunting for sharp-tailed grouse, ruffed grouse, Hungarian partridge, and turkey south of the Upham-Willow City Road in accordance with State seasons.

4. We open to hunting for sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant north of the Willow-Upham road on the day following the close of the regular firearm deer season.

5. We prohibit hunting the area around the refuge headquarters, buildings, shops, and residences. We post these areas with ''Closed to Hunting'' signs.

6. We open the refuge to fox hunting on the day following the close of the regular firearm deer season. Fox hunting on the refuge closes March 31.

7. Hunters may possess only approved nontoxic shot for all upland game hunting, including turkey, as identified in § 20.21(j) of this chapter.

8. We prohibit the use of snowmobiles, all-terrain vehicles (ATVs), off-highway vehicles (OHVs), utility terrain vehicles (UTVs), bicycles, or similar vehicles on the refuge.

9. We prohibit the use of horses, mules, or similar livestock on the refuge during all hunting seasons.

[FR Doc. C1–2014–05214 Filed 4–1–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130716623–4275–02]

RIN 0648–BD50

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Framework Adjustment 8

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

ACTION: Final rule.

SUMMARY: Framework Adjustment 8 (Framework 8) implements several changes to improve operation of the butterfish discard cap in the longfin squid fishery and the directed butterfish fishery. Framework 8 allocates the butterfish discard cap among trimesters in the same percentages used for the trimester allocations for longfin squid: 43 percent to Trimester I (January to April), 17 percent to Trimester II (May to August), and 40 percent to Trimester III (September to December). Each trimester will close when it is estimated that 95 percent of the butterfish discard cap has been taken. In addition, Framework 8 allows NMFS to transfer, in either direction, up to 50 percent of unused quota between the butterfish landing allocation and the discard cap on the longfin squid fishery. This would occur near the end of the year in order to optimally utilize the butterfish that is available for fishing each year.

DATES: Effective May 2, 2014.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (Council), including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, telephone (302) 674–2331. The EA/RIR/IRFA is also accessible via the Internet at *http://www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Aja Szumylo, Fishery Policy Analyst, 978–281–9195.

SUPPLEMENTARY INFORMATION:

Background

A proposed rule for Framework 8 was published on January 31, 2014 (79 FR 5365), with a comment period ending March 3, 2014. Additional background information and detail on why and how Framework Adjustment 6 was developed were in the proposed rule, and are not repeated here.

Framework 8 adjusts the trimester allocations for the butterfish discard cap and creates distinct closure thresholds for each trimester. Beginning January 2014, this action sets the initial allocation Trimester I at 43 percent (down from 65 percent), the initial allocation for Trimester II at 17 percent (up from 3.3 percent), and the initial allocation for Trimester III at 40 percent (up from 31.7 percent). These adjusted trimester allocations for the butterfish discard cap match the trimester allocations for the directed longfin squid fishery. Framework 8 also requires that each trimester will close when the longfin squid fishery has

harvested an estimated 95 percent of the butterfish discard cap.

Framework 8 also allows NMFS to transfer unused butterfish quota in either direction, between the butterfish domestic annual harvest allocation (DAH or landings quota) and the butterfish discard cap on the longfin squid fishery. Prior to November each year, NMFS will make a projection regarding the likely trajectories of butterfish landings and the butterfish discard cap. If the butterfish DAH appears likely to constrain the directed butterfish fishery or the butterfish discard cap appears likely to constrain the longfin squid fishery, and the other fishery appears unlikely to be impacted by a shift in quota, NMFS could transfer up to 50 percent of the total butterfish DAH or total butterfish discard cap to optimize the use of the overall butterfish quota. NMFS would make this transfer on or about November 15 each fishing year, in accordance with the Administrative Procedure Act, in order to optimally utilize the butterfish that is available for fishing each year.

Comments and Responses

NMFS received one comment on the proposed rule for Framework 8 from the Garden State Seafood Association (GSSA), a New Jersey-based commercial fishing industry group.

Comment 1: GSSA supports the proposed trimester allocations, the 95 percent closure threshold for all trimesters, and the transfer of unused butterfish quota, in either direction, between the butterfish landings quota and the butterfish discard cap on the longfin squid fishery.

Response: NMFS concurs, and is implementing the measures in Framework 8 as proposed.

Classification

The Administrator, Greater Atlantic Regional Fisheries Office, NMFS, determined that the approved measures in Framework Adjustment 8 to the MSB FMP are necessary for the conservation and management of the MSB fisheries and that they are consistent with the MSA and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

A final regulatory flexibility analysis (FRFA) was prepared. The FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of significant issues raised by public comments in response to the IRFA, and NMFS' responses to those comments. A copy of the IRFA, the RIR, and the EA are available on request (see **ADDRESSES**). A summary of the FRFA follows.

Statement of Objective and Need

This action implements management measures to facilitate the operation of the butterfish fishery, and the butterfish discard cap on the longfin squid fishery. A complete description of the reasons why this action was considered, and the objectives of and legal basis for this action, was in the proposed rule and is not repeated here.

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

There were no issues related to the IRFA or the economic impacts of the rule on affected entities raised in public comments.

Description and Estimate of Number of Small Entities To Which the Rule Will Apply

Subsequent to Council action related to this proposed rule, the Small Business Administration revised its small business size standards for several industries in a final rule effective July 22, 2013. The rule increased the size standard for Finfish Fishing from $4.0 to 19.0 million, Shellfish Fishing from $4.0 to 5.0 million, and Other Marine Fishing from $4.0 to 7.0 million. NMFS has reviewed the analyses prepared for this action in light of the new size standards. Longfin squid is technically a shellfish, and would fall under the lower shellfish fishing standard of $ 5.0 million. Nonetheless, all entities subject to this action were considered small entities under the former, lower size standards, and they all would continue to be considered small under the new standards. Thus, all of the approximately 375 vessels with limited access butterfish/longfin squid permits would qualify as small businesses.

Having different size standards for different types of marine fishing activities creates difficulties in categorizing businesses that participate in more than one of these activities. For now, the short-term approach is to classify a business entity into the SBA defined categories based on which activity produced the most gross revenue. In this case, it is very likely the revenue from finfishing was greater than revenue (if any) from shellfishing, and greater than the revenue from charterboat fishing. Based on these assumptions, the finfish size standard would apply to all entities subject to this rule. Under that standard, a business is considered large only if revenues are greater than $19 million. Section 5.6 in the Framework 8 EA describes the vessels, key ports, and revenue information for the longfin squid and butterfish fisheries; therefore, that information is not repeated here.

Although it is possible that some entities, based on rules of affiliation, would qualify as large business entities, due to lack of reliable ownership affiliation data NMFS cannot determine whether any affected entity is in fact ''large,'' according to SBA's size standards. NMFS is currently compiling data on vessel ownership that should permit a more refined assessment and determination of the number of large and small entities for future actions. For this action, since available data are not adequate to identify affiliated vessels, each operating unit is considered a small entity for purposes of the RFA, and, therefore, there is no differential impact between small and large entities. Therefore, there are no disproportionate economic impacts on small entities.

The measures in this action could have some impact on the approximately 375 vessels with limited access butterfish/longfin squid permits, all of which qualify as small businesses because their gross revenues are less than $19 million annually. With a longfin squid price of approximately $1,600/mt, the fishery's FY 2012 landings totaled 671 mt and generated $1.1 million in ex-vessel revenues.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This action does not contain any new collection-of-information, reporting, recordkeeping, or other compliance requirements. It does not duplicate, overlap, or conflict with any other Federal rules.

Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impacts on Small Entities Consistent With the Stated Objectives of Applicable Statutes, Including a Statement of the Factual, Policy, and Legal Reasons for Selecting the Alternative Adopted in the Final Rule and Why Each One of the Other Significant Alternatives to the Rule Considered by the Agency Which Affect the Impact on Small Entities Was Rejected

The Council conducted a comprehensive evaluation of the potential socioeconomic impacts of Framework 8 in the EA (see **ADDRESSES**), and a discussion of this evaluation follows.

Framework 8 adjusts the trimester allocations for the butterfish cap (Trimester I: 43 percent; Trimester II: 17 percent; Trimester III: 40 percent), and establishes a mechanism that will close each trimester when it is projected that 95 percent of the trimester allocation has been harvested (Alternative 2). In addition to the no action alternative (Alternative 1), Framework 8 also considered allocating 54 percent of the butterfish cap to Trimester I, 10.15 percent to Trimester II, and 35.85 percent to Trimester III, with 95 percent closure thresholds for each trimester (Alternative 3). Similar to the status quo alternative, both of the adjusted allocations considered in the action alternatives would allow rollovers of quota not used during trimesters early in the year, and would deduct overages from later trimesters when the trimester allocations have been exceeded early in the year.

The alternatives to amend in-season Trimester II closure authority would result in positive long-term socioeconomic impacts compared to the status quo because they would: (1) Reduce the chance of acceptable biological catch (ABC) overages that could reduce long-term butterfish productivity; (2) avoid distributional issues in the longfin squid fishery that would occur if Trimester II harvested most (75 percent) of the butterfish cap; and (3) avoid future disruptions of the fishery if the status quo led to an ABC overage that had to be repaid.

Compared to the status quo, it is possible that either of the action alternatives could result in vessel owners losing some squid revenues in the short term if NMFS closes Trimester II earlier than it would under the status quo, especially if those revenues are not recouped later in the year because squid are unavailable. The amount of potential relative losses is not clear because there have been no closures at current cap levels on which to base potential economic impacts. However, the longer-term benefits of reducing the likelihood of exceeding ABC each year would offset any occasional short-term losses of revenue.

There are distributional issues in the longfin squid fishery that would occur if most (75 percent) of the butterfish cap was harvested in Trimester II. The disparity of allocation percentages between the current butterfish cap and the longfin squid allocation could cause unnecessary closures that would be avoided if the allocation percentages were the same. Under the status quo, Trimester I receives a large percentage of the cap (65 percent), but Trimester II is not limited by the cap until 75 percent of the entire annual cap is reached. This means that no catch might be available in Trimester III if the combined Trimester I and Trimester II usage of the cap nears 75 percent. The preferred alternative, Alternative 2, would provide vessels with the opportunity to maximize their longfin squid catch while avoiding closures due to the butterfish cap. Maximized catch with no closures would allow for increased and steady revenues for vessels and the fishery as a whole.

At current cap quota levels, none of the proposed allocations would be expected to cause a closure as long as the longfin squid fleet maintains relatively low butterfish discard rates. To ensure that Trimester III has a reasonable amount of quota, some quota must be reallocated from Trimesters I and II. At the same time, Trimester II needs to retain a reasonable quota allocation. The status quo alternative (Alternative 1) was rejected because it does not reallocate quota. While both Alternatives 2 and 3 reallocate quota to Trimester II, Alternative 2 was chosen because it aligns the cap allocation with the squid allocation. Alternative 3 was rejected because the proposed allocation scheme could continue regulatory confusion about butterfish cap allocation levels. Under the preferred alternative, each longfin squid Trimester is responsible for its butterfish cap, and each trimester starts with a butterfish cap that matches its longfin squid allocation. This provides good incentive for vessels to avoid discarding butterfish each trimester and does not penalize a vessel fishing in a trimester that had low historical butterfish discards by giving it a very low quota. By avoiding closures and discouraging discards, Alternative 2 would maximize potential revenues for the fishery.

Among the alternatives, Trimester I has the most cap allocation under the status quo, less under Alternative 3, and least under the preferred Alternative 2. However, since the offshore fleet fishes in Trimesters I and III, and the overall purpose is to ensure that a reasonable amount of cap remains for Trimester III, any disadvantage from losing cap quota in Trimester I for the offshore fleet may be made up by improved access to Trimester III.

Framework 8 considered two alternatives to shift quota between the butterfish cap and butterfish landings: Status quo (Alternative 4) and the proposed alternative, which would allow for transfers between these two allocations late in the year in order to optimally utilize the available butterfish allocation (Alternative 5). The alternative to shift quota at the end of the year could facilitate some additional butterfish fishing or additional longfin squid fishing compared to the status quo, which would have positive economic effects for the fisheries. The maximum transfer amount is 50 percent of the original quota, i.e., 50 percent of one could be transferred to the other (50 percent of the landings quota to the cap quota or 50 percent of the cap quota to landings). As there has been no directed butterfish fishery in the past, it is not possible to predict the exact amount of landings this could result in over time, but because the transfer would occur near the end of the FY, they would probably be limited. Since the transfer would only be in place after November 15, (or approximately 12 percent of the FY) a substantial amount of effort would have already taken place earlier in the year, but a transfer could still offer additional fishing opportunity compared to the status quo. The status quo alternative (Alternative 4) was rejected because, in certain years, it could prevent optimal use of the butterfish allocation.

Since the 2013 butterfish landings quota was 2,570 mt, this provides a starting point for examining the range of benefits that could accrue from a transfer from butterfish landings to the cap. At most, one half of the landings quota (1,285 mt) could be transferred. It is possible that such a transfer could result in reopening of the longfin fishery for the last 6 weeks of the year, or the longfin squid fishery staying open when it would have otherwise closed. While the last 6 weeks of the year have seen relatively low longfin squid landings recently, late season catches in 2004–2007 demonstrate that catches of 1–2 million lb (453.6 to 907.1 mt) per week of longfin squid are possible in the last 6 weeks of the year, which could theoretically result in additional revenues of approximately $6–$12 million, given recent longfin squid prices, though this would likely be the high end of the range.

With the butterfish cap in 2013 set at 3,884 mt, half of that amount would be 1,942 mt, which would be the most that could be transferred to butterfish landings. It is possible that 1,942 mt of butterfish could be landed in 6 weeks, but the price of such landings is difficult to determine. In recent years, prices have ranged from $1,400–$1,800 per metric ton, which could theoretically mean additional revenues of around $3 million dollars, though it is not clear that recent prices would be maintained at higher landings levels, which would mean that $3 million should be considered the high end of possible additional revenues.

In both of the transfer scenarios, since a transfer would only be made if it appears the quota would not be used during the FY, there are no opportunity costs associated with the transfer in terms of other fishery operations.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency will publish one or more guides to assist small entities in complying with the rule, and will designate such publications as ''small entity compliance guides.'' The agency will explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as a small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the Greater Atlantic Regional Fisheries Office, and the guide (i.e., permit holder letter) will be sent to all holders of permits for the herring fishery. The guide and this final rule will be available upon request.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 27, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.22, paragraphs (b)(3)(vi) and (vii) are revised to read as follows:

§ 648.22 Atlantic mackerel, squid, and butterfish specifications.

* * * * *

(b) * * *

(3) * * *

(vi) The butterfish mortality cap will be based on a portion of the ACT (set annually during specifications) and the specified cap amount will be allocated to the longfin squid fishery as follows: Trimester I—43 percent; Trimester II—17 percent; and Trimester III—40 percent.

(vii) Any underages of the cap for Trimester I that are greater than 25 percent of the Trimester I cap will be reallocated to Trimester II and III (split equally between both trimesters) of the same year. The reallocation of the cap from Trimester I to Trimester II is limited, such that the Trimester II cap may only be increased by 50 percent; the remaining portion of the underage will be reallocated to Trimester III. Any underages of the cap for Trimester I that are less than 25 percent of the Trimester I quota will be applied to Trimester III of the same year. Any overages of the cap for Trimesters I and II will be subtracted from Trimester III of the same year.

* * * * *

■ 3. In § 648.24, paragraph (c)(3) is revised and paragraph (c)(5) is added to read as follows:

§ 648.24 Fishery closures and accountability measures.

* * * * *

(c) * * *

(3) *Butterfish mortality cap on the longfin squid fishery.* NMFS shall close the directed fishery in the EEZ for longfin squid when the Regional Administrator projects that 95 percent of each Trimester's butterfish mortality cap allocation has been harvested.

* * * * *

(5) *Butterfish allocation transfer.* NMFS may transfer up to 50 percent of any unused butterfish allocation from the butterfish DAH to the butterfish mortality cap on the longfin squid fishery if the butterfish catch in the longfin squid fishery is likely to result in a closure of the longfin squid fishery, and provided the transfer does not increase the likelihood of closing the directed butterfish fishery. NMFS may instead transfer up to 50 percent of the unused butterfish catch from the butterfish mortality cap allocation to the butterfish DAH if harvest of butterfish in the directed butterfish fishery is likely to exceed the butterfish DAH, and provided the transfer of butterfish allocation from the butterfish mortality cap allocation does not increase the likelihood of closing the longfin squid fishery due to harvest of the butterfish mortality cap. NMFS would make this transfer on or about November 15 each fishing year, in accordance with the Administrative Procedure Act.

* * * * *

[FR Doc. 2014–07416 Filed 4–1–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 63
Wednesday, April 2, 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 AGRICULTURE

Rural Utilities Service

7 CFR Parts 1703, 1709, 1710, 1717, 1720, 1721, 1724, 1726, 1737, 1738, 1739, 1740, 1753, 1774, 1775, 1779, 1780, 1781, and 1782

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

Farm Service Agency

7 CFR Parts 1924, 1940, 1942, 1944, 1948, 1951, 1955, 1962, 1970, and 1980

Rural Housing Service

7 CFR Parts 3550, 3560, 3565, 3570, and 3575

Rural Business-Cooperative Service

Rural Utilities Service

7 CFR Parts 4274, 4279, 4280, 4284, and 4290

RIN 0575–AC56

Environmental Policies and Procedures

AGENCY: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Farm Service Agency, U.S. Department of Agriculture (USDA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: Through this action, the Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency is extending the comment period for the proposed rule, ''Environmental Policies and Procedures'' by 30 days from April 7, 2014 to May 7, 2014.

DATES: Comments on the proposed rule must be received on or before May 7, 2014.

ADDRESSES: You may submit comments to this rule by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue SW., Washington, DC 20250–0742.
- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail or other courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street SW., 7th Floor, Suite 701, Washington, DC 20024.

All written comments will be available for public inspection during regular work hours at the 300 7th Street SW., 7th Floor address listed above.

FOR FURTHER INFORMATION CONTACT: Mark S. Plank, Director, Environmental and Engineering Staff, Rural Utilities Service, Stop 1571, 1400 Independence Ave. SW., Washington, DC 20250–1571; email: *Mark.Plank@wdc.usda.gov;* telephone: (202) 720–1649.

SUPPLEMENTARY INFORMATION: On February 4, 2014, the Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency published a proposed rule in the **Federal Register** (79 FR 6740), ''Environmental Policies and Procedures.''

In the proposed rule, Rural Development, a mission area within the U.S. Department of Agriculture comprised of the Rural Housing Service (RHS), Rural Business-Cooperative Service (RBS) and Rural Utilities Service (RUS), hereafter referred to as the Agency, is proposing to unify and update environmental policies and procedures covering all Agency programs by consolidating two existing Agency regulations that implement the National Environmental Policy Act (NEPA) and other applicable environmental requirements. These rules supplement the regulations of the Council on Environmental Quality (CEQ), the regulations of the Advisory Council on Historic Preservation (ACHP), associated environmental statutes, Executive orders and Departmental Regulations. The majority of the proposed changes relate to the categorical exclusion provisions in the Agency's procedures for implementing NEPA. These proposed changes are intended to better align the Agency's regulations, particularly for those actions listed as categorical exclusions, to the Agency's current activities and recent experiences and to the CEQ's Memorandum for Heads of Federal Departments and Agencies entitled ''Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act'' issued on November 23, 2010, and to consolidate the provisions of the Agency's two current NEPA rules at 7 CFR parts 1794 and 1940, subpart G.

Dated: March 20, 2014.

Patrice Kunesh,

Acting Deputy Under Secretary, Rural Development.

Dated: March 26, 2014.

Michael T. Scuse,

Under Secretary, Farm and Foreign Agricultural Services.

[FR Doc. 2014–07236 Filed 4–1–14; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0076; Airspace Docket No. 14–ANE–4]

Proposed Amendment of Class E Airspace; Bridgeport, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM), withdrawal.

SUMMARY: A Notice of proposed rulemaking (NPRM) published in the **Federal Register** on March 18, 2014 amending Class E airspace at Igor I. Sikorsky Memorial Airport is being withdrawn. Upon review, the FAA found that the Bridgeport VOR has not been decommissioned, and therefore airspace reconfiguration is not required.

DATES: Effective 0901 UTC. As of April 2, 2014 the proposed rule published March 18, 2014, at 79 FR 15064, is withdrawn.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group,

Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On March 18, 2014, the FAA published in the **Federal Register** a NPRM to amend Class E airspace at Bridgeport, CT (79 FR 15064) Docket No. FAA–2014–0076. Subsequent to publication the FAA found that the Bridgeport VOR navigation aid has not been decommissioned and airspace redesign is not necessary. This proposed rule is being withdrawn.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

Accordingly, pursuant to the authority delegated to me, the notice of proposed rulemaking, as published in the **Federal Register** on March 18, 2014 (79 FR 15064) (FR Doc. 2014–05889), is hereby withdrawn.

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

Issued in College Park, Georgia, on March 25, 2014.

Eric Fox,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–07291 Filed 4–1–14; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 229, 230, 232, 239, 240, 243, and 249

[Release Nos. 33–9568; 34–71830; File No. S7–08–10]

RIN 3235–AK37

Extension of Comment Period for Asset-Backed Securities Release

AGENCY: Securities and Exchange Commission

ACTION: Extension of comment period.

SUMMARY: On February 25, 2014, the Securities and Exchange Commission re-opened the comment period on two releases related to asset-backed securities. The Commission re-opened the comment period to permit interested persons to comment on an approach for the dissemination of potentially sensitive asset-level data. The comment period is scheduled to end on March 28, 2014. In light of public interest in providing comment on the approach, the Commission is extending the comment period until April 28, 2014 to permit interested persons additional time to analyze and comment on the approach.

DATES: Comments should be received on or before April 28, 2014.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number S7–08–10 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–08–10. 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 use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/proposed.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: Rolaine S. Bancroft, Senior Special Counsel, or Robert Errett, Special Counsel, at (202) 551–3850 in the Office of Structured Finance, Division of Corporation Finance, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: On February 25, 2014, we re-opened the comment period on two releases, Asset-Backed Securities [1] and Re-Proposal of Shelf Eligibility Conditions for Asset-Backed Securities,[2] to permit interested persons to comment on an approach for the dissemination of asset-level data,[3] which is described in a staff memorandum, dated February 25, 2014, that has been previously included in the public comment file.[4]

The comment period is scheduled to end on March 28, 2014. We have received requests for an extension of time for public comment.[5] The Commission believes that providing the public additional time to consider and comment on the matters outlined in the staff memorandum and submit comprehensive responses would benefit the Commission in its consideration of the final rules. Therefore, we are extending the comment period until April 28, 2014.

By the Commission.

Date: March 28, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07356 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

[1] Release No. 33–9117 (Apr. 7, 2010), 75 FR 23328.

[2] Release No. 33–9244 (Jul. 26, 2011), 76 FR 47948.

[3] Release No. 33–9552 (Feb. 25, 2014), 79 FR 11361.

[4] *See* Memorandum from the Commission's Division of Corporation Finance (dated Feb. 25, 2014), which is available on the Commission's Internet Web site at *http://www.sec.gov/comments/s7–08–10/s70810.shtml*.

[5] *See* letters from Ally Financial Inc. dated Mar. 14, 2014, Bank of America Corporation dated Mar. 18, 2014, CNH Industrial Capital America LLC dated Mar. 20, 2014, Ford Motor Credit Company LLC dated Mar. 10, 2014, Mortgage Bankers Association dated Mar. 14, 2014, Structured Finance Industry Group dated Mar. 10, 2014, Volvo Financial Services dated Mar. 25, 2014 and World Omni Financial Corp. dated Mar. 24, 2014. The public comments we received are available at *http://www.sec.gov/comments/s7-08-10/s70810.shtml*.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4001, 4022, and 4044

RIN 1212–AB23

Title IV Treatment of Rollovers From Defined Contribution Plans To Defined Benefit Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend PBGC's regulations on allocation of assets and benefits payable in terminated single-employer plans to clarify the treatment of benefits resulting from a rollover distribution from a defined contribution plan or other qualified trust to a defined benefit plan, if the defined benefit plan was terminated and trusteed by PBGC. This

proposed clarification of Title IV treatment of rollovers is part of PBGC's efforts to enhance retirement security by promoting lifetime income options.

DATES: Comments must be submitted on or before June 2, 2014.

ADDRESSES: Comments, identified by Regulatory Information Number (RIN 1212–AB23) may be submitted to any by the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: reg.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

Comments received, including personal information provided, will be posted to *www.pbgc.gov.* Copies of comments may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*klion.catherine@pbgc.gov*), Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; 202–326–4024. (TTY and TDD users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Background

The Pension Benefit Guaranty Corporation (''PBGC'') administers the single-employer pension plan termination insurance program under Title IV of the Employee Retirement Income Security Act of 1974 (''ERISA''). The program covers private-sector, single-employer defined benefit plans, for which premiums are paid to PBGC each year. Covered plans that are underfunded may terminate either in a distress termination under section 4041(c) of ERISA or in an involuntary termination (one initiated by PBGC) under section 4042 of ERISA. When such a plan terminates, PBGC typically is appointed statutory trustee of the plan, and becomes responsible for paying benefits in accordance with the provisions of Title IV. At times, plans trusteed by PBGC include contributions made by employees that fund part of the benefit under the plan.

Mandatory Contributions

A plan may be funded in whole or in part by mandatory contributions. Under section 4044(b)(6) of ERISA, the term ''mandatory contributions'' means amounts contributed to the plan by a participant, which are required as a condition of employment, as a condition of participation in such plan, or as a condition of obtaining benefits under the plan attributable to employer contributions. See also section 411(c)(2)(C) of the Internal Revenue Code (''Code'') and section 204(c)(2)(C) of ERISA.

Section 411(c)(1) of the Code [1] provides that an employee's accrued benefit derived from employer contributions as of any date is the excess, if any, of the accrued benefit for the employee as of that date over the accrued benefit derived from contributions made by the employee as of that date. Section 411(c)(2) of the Code provides the rules for determining an employee's accrued benefit derived from the employee's mandatory contributions to a defined benefit plan. Section 411(c)(2)(B) provides that the accrued benefit derived from mandatory employee contributions is equal to the employee's contributions accumulated to normal retirement age using specified rates under section 411(c)(2)(C), and converted to an actuarially equivalent annuity commencing at normal retirement age, using an interest rate under section 417(e)(3) of the Code as of the determination date.[2]

Typically, mandatory employee contributions are required under the plan as a percentage of the employee's compensation. They are withheld from the salary of the employee by the employer and deposited to the employee's credit in the defined benefit plan on an after-tax basis.[3] Such mandatory contributions have generally been used to fund a portion of the participant's accrued benefit as determined under the plan's benefit formula and are required in order to receive the portion of the accrued benefit derived from employer contributions.

When a plan terminates in a distress termination or an involuntary termination, each participant's plan benefit is assigned to one or more of six ''priority categories'' that are described in paragraphs (1) through (6) of section 4044(a) of ERISA.[4] Participants' accrued benefits derived from mandatory employee contributions are assigned to PC2. Because benefits in PC2 have a higher claim on plan assets than nearly all other benefits under the plan, when an underfunded plan terminates, plan assets are usually (but not always) sufficient to pay accrued benefits derived from mandatory employee contributions.

Although PBGC generally pays benefits only in annuity form, PBGC's regulations allow a return of mandatory employee contributions in a single installment (or a series of installments), provided certain conditions are met (see § 4022.7(b)(2)).

Rollover Benefits Under the Code and Treasury/IRS Guidance

Section 401(a)(31) of the Code requires a qualified plan to permit a distributee of any eligible rollover distribution to elect a direct rollover of any part of the distribution to an eligible retirement plan.[5] Payment in the form of

[1] References to the Code should be read to include the parallel provision under ERISA.

[2] Code section 417(e)(3) was amended in 1994 (Pub. L. 103–465) to specify an applicable mortality table, which is part of the determination of actuarial equivalence under IRS guidance. See Prop. Treas. Reg. § 1.411(c)–1.

[3] Generally, contributions by employees to defined benefit plans (whether mandatory or voluntary) are not deductible for federal income tax purposes. Under Code section 411(d)(5), voluntary contributions are treated in the same manner as employee contributions to a defined contribution plan for which a separate account is maintained; the accrued benefit derived from such contributions is generally determined as the amount of those contributions, plus income, expenses, and gains and losses attributable thereto.

[4] Plan assets must be allocated to each priority category in succession, beginning with priority category one (PC1). The benefits assigned to each priority category under section 4044 of ERISA in general are as follows:

- PC1: The portion of a participant's accrued benefit derived from the participant's voluntary contributions.
- PC2: The portion of a participant's accrued benefit derived from the participant's mandatory contributions.
- PC3: The portion of a participant's benefit that was in pay status as of the beginning of the three-year period ending on the termination date (or bankruptcy filing date, if applicable), or that would have been in pay status at the beginning of such three-year period if the participant had retired before the beginning of such three-year period, provided that the benefit was the lowest benefit payable under the plan provisions at any time during the five-year period ending on the termination date (or bankruptcy filing date, if applicable).
- PC4: All other guaranteed benefits.
- PC5: All other nonforfeitable benefits.
- PC6: All other benefits.

[5] In general, an eligible rollover distribution is a lump sum distribution, or any other distribution of a participant's benefit, that is not one of a series of substantially equal periodic payments made at least annually for a period of 10 years or more. There are several exceptions to the types of distributions that are eligible to be rolled over. See Code section 402(c)(4). An election of a rollover requires a distributable event under the plan, such as the

a direct rollover to a defined benefit plan is allowed only if the defined benefit plan accepts rollover contributions.[6] Section 402(c) of the Code permits an individual receiving an eligible rollover distribution from a qualified plan, individual retirement plan, or certain other plans to elect to roll over any portion of that distribution within a specified time to an eligible retirement plan that accepts the rollover (including a defined benefit plan).

On February 21, 2012, the Department of the Treasury and the Internal Revenue Service (IRS) issued Rev. Rul. 2012–4, 2012–8 I.R.B. 386,[7] which clarified certain qualification requirements under section 401(a) of the Code for use of rollover amounts to provide an additional benefit under a defined benefit plan. Under the facts of the example provided in Rev. Rul. 2012–4, a qualified defined benefit plan provides that it will accept a direct rollover of a distribution from a qualified defined contribution plan maintained by the same employer for an employee or former employee of the employer who separates from service after age 55 with at least 10 years of service and elects to commence an immediate annuity of the employee's benefit under the plan (including the additional benefit resulting from the direct rollover).[8]

Rev. Rul. 2012–4 treats the amounts rolled over as mandatory employee contributions for purposes of section 411(c) of the Code.[9] The ruling states that the plan satisfies section 411(c)(2) of the Code with respect to the rollover because—

1. The benefit resulting from the direct rollover is provided as an immediate annuity determined as the actuarial equivalent of the amount rolled over, where actuarial equivalence is determined using the applicable interest rate and mortality table under section 417(e)(3) of the Code; and

2. The plan further provides that, in the event payment is delayed after the rollover, interest on the rollover contribution is accumulated in accordance with the requirements of Code section 411(c)(2)(C)(iii) and the benefit derived from the rollover is not forfeitable upon death prior to the annuity starting date.

Under the ruling, an accrued benefit derived from mandatory employee contributions that is determined under the rules of section 411(c)(2) of the Code does not fail to satisfy the nonforfeitability rules under section 411(a) of the Code and may be excluded from the participant's annual benefit for purposes of the maximum benefit limitation under section 415(b) of the Code.

The ruling further provides that, if the plan provided an annuity with respect to the rollover in excess of the amount determined under the rules of section 411(c) of the Code, such as by using a more favorable actuarial conversion basis than required by those rules, the portion of the benefit resulting from the rollover amounts that exceeded the benefit derived from mandatory employee contributions as determined under section 411(c)(2) of the Code would be subject to the requirements applicable to a benefit attributable to employer contributions. The ruling notes that, in this case, the liability for the total benefit resulting from the rollover (including the portion of the accrued benefit considered to be derived from employer contributions because it exceeds the amount determined under section 411(c)(2)(B)) would likely exceed the amounts rolled over, requiring additional funding by the employer, and the excess amount over the amount determined under section 411(c)(2)(B) would be included in the annual benefit for purposes of section 415(b) of the Code.

Following clarification by Treasury and IRS of certain qualification requirements concerning rollovers in Rev. Rul. 2012–4, PBGC is proposing to amend its regulations to provide guidance on Title IV treatment of rollovers, both in anticipation of increased use of rollovers, and as part of its efforts to promote retirement security. The availability of a rollover of a participant's retirement savings in a 401(k) or other defined contribution plan to a defined benefit plan expands the opportunities for participants to elect lifetime annuity options.

Overview of Proposed Regulation

PBGC is proposing to amend PBGC's regulations on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) and Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The proposed amendments would establish or clarify the rules for treatment of rollovers in plans that terminate underfunded, the most important of which are:

- A benefit resulting from rollover amounts would be treated as an accrued benefit derived from mandatory employee contributions in PC2 (which has a higher claim on plan assets than nearly all other benefits under the plan), to the extent that the benefit is determined using the rules of Code section 411(c)(2)(B).
- Unlike other PC2 benefits, PC2 benefits resulting from rollover amounts would generally not be payable in lump sum form.
- The portion of any benefit resulting from rollover amounts that exceeds the accrued benefit derived from mandatory employee contributions (*i.e.,* the portion derived from employer contributions) would be a guaranteeable benefit in PC3, PC4, or PC5, as applicable.
- The participant's accrued benefit resulting from rollover amounts generally would not be subject to PBGC's maximum guaranteeable benefit limitation under section 4022(b) of ERISA and thus would not be taken into account in applying that limitation. However, the maximum guaranteeable benefit limitation would apply to any benefit resulting from rollover amounts that exceeds the accrued benefit treated as derived from mandatory employee contributions.
- The participant's accrued benefit resulting from rollover amounts generally would not be subject to the five-year phase-in limitation on the guarantee of benefit increases. However, the phase-in limitation would apply to any benefit resulting from rollover amounts that exceeds the accrued benefit treated as derived from mandatory employee contributions, with the phase-in period beginning as of the date the rollover contributions were received by the plan.

A detailed discussion of the proposed regulation follows.

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participant's severance from employment or the attainment of normal retirement age. The taxable portion of an eligible rollover distribution from a qualified plan is generally subject to 20 percent mandatory withholding of Federal tax unless a direct rollover to an eligible retirement plan is made. See Code section 3405(c).

[6] Code section 401(a)(31).

[7] *http://www.irs.gov/irb/2012-08_IRB/ar08.html.* Footnote 1 of Rev. Rul. 2012–4 stated that PBGC was developing guidance on the Title IV treatment of benefits under a defined benefit plan resulting from a rollover. This proposed rule is part of the development of that guidance.

[8] Rev. Rul. 2012–4 states that if a plan's certified or presumed adjusted funding target attainment percentage under Code section 436(j)(2) were to drop below 60%, the plan would not be permitted to receive direct rollover contributions because such rollover contributions would give rise to additional benefit accruals that are not permitted under Code section 436(e).

[9] Rev. Rul. 2012–4 states that this contribution of the employee is required as a condition of receiving additional benefits under the defined benefit plan attributable to employer contributions. Thus, if the amount of the rollover is insufficient to provide for the benefit derived from mandatory employee contributions (for example, if the actual return on plan assets is less than the rate that was assumed in determining that benefit), the employer would be required to make additional contributions to fund that benefit.

Proposed Regulatory Changes

Benefits Payable in Terminated Single-Employer Plans

This proposed rule would amend PBGC's benefit payments regulation to describe the calculation and payment of a benefit resulting from a distribution that is rolled over into a defined benefit plan that later terminates.[10] Under the proposed rule, PBGC would treat the rollover amounts as mandatory employee contributions and would determine the employee's accrued benefit derived from mandatory employee contributions using the rules of section 411(c)(2)(B) of the Code. This proposed rule relates solely to a benefit resulting from the rollover of a distribution. It does not affect PBGC's treatment of any other contributions that may be used to fund benefits under a defined benefit plan or the employee's benefit derived from such contributions, regardless of the characterization of those contributions or benefits, or their tax treatment.

PBGC's current regulation provides for the return of mandatory employee contributions in a single installment (or a series of installments) if a participant, or a beneficiary of a pre-retirement death benefit, so elects in accordance with the plan's provisions.[11] If a participant (or a surviving spouse) elects a return of mandatory employee contributions prior to the annuity starting date in the form of a lump sum, instead of as an annuity, the lump sum benefit is determined under § 4044.12(c)(2) as the amount of the participant's accumulated mandatory contributions.[12] A withdrawal of the participant's accumulated mandatory employee contribution results in an accrued benefit under the plan derived solely from employer contributions.

The proposed regulation generally would not permit participants to receive a lump sum return of mandatory employee contributions attributable to rollover amounts. PBGC would disregard a plan's provisions for the return of employee contributions in a lump sum and would make rollover amounts payable only in the form of an annuity. Because the participant had the chance to take the distribution from a defined contribution plan as a lump sum and chose to roll it into a defined benefit plan to obtain additional annuity benefits, it would seem anomalous to later allow the participant to convert the additional annuity back into a lump sum. Moreover, paying the additional benefit as an annuity is consistent with PBGC's policy of promoting retirement security through preserving lifetime retirement income.

Under the proposed rule, the annuity resulting from rollover amounts would be payable at the same time, and in the same form, as the remainder of the participant's benefit under the plan to avoid administrative burden to PBGC.[13] In the case of a plan that provides for a pre-retirement death benefit that returns the employee's mandatory contributions in a single installment, PBGC would not allow the spouse of a participant who dies after the plan terminates to elect to withdraw the mandatory contributions attributable to rollover amounts in a single installment; instead, PBGC would include such contributions in the value of the plan's qualified preretirement survivor annuity (QPSA) to the spouse.[14] PBGC would determine whether a payment was de minimis (currently $5,000 or less under § 4022.7(b)(1)(i)), and if so would base the amount of the payment on the lump sum value of the participant's total benefit payable by PBGC (the benefit resulting from rollover amounts combined with the benefit excluding rollover amounts).

Under section 4022 of ERISA, PBGC guarantees the payment of all nonforfeitable benefits provided by a plan, subject to two principal statutory limitations—the maximum guaranteeable benefit limitation and the five-year phase-in limitation.

The amount of the maximum monthly guarantee is set by law and is updated each calendar year. The maximum guaranteeable benefit applicable to a plan is fixed as of that plan's termination date. Under the Pension Protection Act of 2006, if a plan terminates during a plan's sponsor's bankruptcy and the sponsor entered bankruptcy on or after September 16, 2006, the maximum guaranteeable benefit is fixed as of the date the sponsor entered bankruptcy.

The five-year phase-in limitation generally applies to a benefit increase that has been in effect for less than five years. Generally, 20 percent of a benefit increase is guaranteed after one year, 40 percent after two years, etc., with full phase-in of the guarantee after five years. If the amount of the monthly benefit increase is below $100, the annual rate of phase-in is $20 rather than 20 percent. For this purpose, a benefit increase resulting from a plan amendment is deemed to be in effect on the later of the amendment's adoption date or its effective date. Under the Pension Protection Act of 2006, an unpredictable contingent event benefit is generally deemed to be in effect on the date the event occurred.[15]

Historically, PBGC has interpreted the statutory limitations to apply to the participant's total nonforfeitable accrued benefit under a plan, including that portion of the benefit funded by traditional after-tax mandatory employee contributions. In the case of rollover amounts, however, PBGC proposes to exempt from these limitations the accrued benefit derived from mandatory employee contributions determined under the rules of Code section 411(c)(2)(B). The exemption would not apply to any benefit resulting from rollover amounts that exceeds the accrued benefit derived from employee contributions.

Rollovers can help preserve participants' retirement savings until retirement. They provide a valuable means for participants to withdraw their benefits from one retirement plan and

[10] The facts of the example in Rev. Rul. 2012–4 involve an employee who separates from service after age 55 with at least ten years of service and elects to commence an immediate annuity. Although this example is used to illustrate the treatment of a direct rollover from a qualified plan into a defined benefit plan, rollovers are permitted in broader circumstances. This proposed rule is not limited to the facts in the example, but it is limited to rollovers that give rise to accrued benefits under a defined benefit plan formula.

[11] In addition, PBGC will pay mandatory employee contributions in a lump sum under a plan's modified cash refund feature, which pays the excess of any accumulated mandatory employee contributions over the pension payments received by a participant upon his death, but only if this is the automatic form of benefit under the plan's provisions (or is in a form that has been elected by a participant who commenced benefits prior to the date of PBGC trusteeship and dies after such date).

[12] PBGC determines the amount of the lump sum benefit based on the participant's accumulated contributions—*i.e.,* the employee's mandatory contributions credited with interest for the period through the plan's termination date (but not less than the minimum lump sum required under section 411(c) of the Code upon withdrawal of mandatory employee contributions). Interest on that sum is thereafter based on PBGC's late-payment interest rate until the participant's distribution date.

[13] PBGC would disregard any plan provision that allows an additional annuity resulting from rollover amounts to have an annuity starting date that differs from the annuity starting date for the remainder of the participant's benefit under the plan.

[14] If no QPSA is payable, the mandatory contributions would be payable to a named beneficiary in a life annuity form that would commence at the same time as a QPSA could commence under PBGC's regulations. In the case of a cash refund annuity (*i.e.,* a post-retirement lump sum death benefit of the value of the participant's mandatory contributions in excess of the pension payments received by the participant at the time of death), PBGC would include the value of the mandatory contributions in the qualified joint and survivor annuity (QJSA) to the spouse or, if no QJSA is payable, would pay such amounts to a named beneficiary in a life annuity form that would commence at the same time as a QJSA could commence under PBGC's regulations.

[15] See ERISA section 4022(b)(8) and PBGC's proposed rule on Benefits Payable in Terminated Single-Employer Plans; Limitations on Guaranteed Benefits, 76 FR 13304 (Mar. 11, 2011).

contribute them to another. Rollovers to defined benefit plans also provide lifetime-annuity protection at a competitive cost. Consistent with the Administration's initiative on retirement security, PBGC wants to encourage the rollover and annuitization of distributions from defined contribution plans by providing assurances to participants that their benefits attributable to rollover amounts to a defined benefit plan will largely be protected from the limitations that might otherwise apply if the plan terminates and is trusteed by PBGC.

There are a number of reasons why PBGC views benefits resulting from the portion of rollover amounts treated as mandatory employee contributions differently from other benefits under a plan. Unlike other mandatory employee contributions, rollover benefits require an affirmative election by the participant to roll over a pension distribution to obtain an additional annuity from a defined benefit plan. If the benefit resulting from rollover amounts caused a participant's total benefit under the plan to exceed PBGC's maximum guaranteeable benefit, participants might be reluctant to roll over benefits from defined contribution plans to defined benefit plans. Applying the five-year phase-in limitation to benefits resulting from rollover amounts similarly might make rollovers unattractive.

The limitations on PBGC's guarantee were designed to protect the pension insurance system from risk of loss. But rollovers do not present the same risk of loss to the insurance program as other benefits. A benefit derived from rollover amounts treated as mandatory employee contributions is considered under Rev. Rul. 2012–4 to be actuarially equivalent to the rollover amounts received by the defined benefit plan. Therefore, although a plan accepting a rollover becomes liable to pay additional benefits, it simultaneously receives additional funds of equivalent value. That is not true for most new benefit accruals. Accordingly, PBGC's proposal to exempt benefits, to the extent derived from the portion of a rollover treated as mandatory employee contributions, from the maximum guaranteeable benefit and phase-in limitations is a reasonable statutory interpretation.

In accordance with PBGC's statutory interpretation, the proposed rule would amend § 4022.22 to exempt the rollover benefit amount derived from mandatory employee contributions from the maximum guaranteeable benefit limitation. Thus, PBGC would exclude that amount from its determination of the participant's maximum guaranteeable benefit. However, any rollover benefit in excess of the benefit derived from employee contributions (*i.e.,* any portion of the rollover benefit derived from employer contributions) would be combined with the annuity otherwise payable under the plan in determining the participant's maximum guaranteeable benefit.

Similarly, the proposed rule would amend § 4022.24 to exempt a participant's rollover benefit derived from mandatory employee contributions from the five-year phase-in limitation. The five-year phase-in limitation would, however, apply to the portion of any rollover benefit derived from employer contributions, with that benefit portion deemed to be in effect on the date the rollover amounts were received by the plan (*i.e.,* when the rollover amounts were treated as providing additional benefit accruals under the plan).

PBGC's regulations provide for a third guarantee limitation, the ''accrued-at-normal'' limitation, which restricts PBGC's guarantee of temporary supplements. Under § 4022.21, PBGC's guarantee cannot exceed the accrued benefit payable as a straight life annuity at normal retirement age. PBGC would include the annuity attributable to rollover amounts in the determination of the accrued-at-normal limitation, which would increase the limitation against which the participant's entire benefit is measured, and would apply the accrued-at-normal limitation to the entire benefit, including rollover amounts. This would generally have the effect of increasing the participant's guaranteeable benefit.

Allocation of Assets in Single-Employer Plans

The proposed rule would also amend PBGC's asset allocation regulation to set forth rules for PBGC treatment of rollover benefits when a defined benefit plan terminates with insufficient assets to pay all benefits.

Proposed new § 4044.12(b)(4) and (c)(4) describes the calculation of a participant's total annuity benefit resulting from rollover amounts. For participants and beneficiaries not yet in pay status as of the termination date, the rollover amounts would be credited with interest payable under plan provisions to the plan's termination date, and converted to an annuity benefit payable at the normal retirement age using the plan's interest rates and conversion factors in effect as of the plan's termination date for the conversion of such rollover amounts.

Under the proposed rule, the portion of a participant's accrued benefit resulting from rollover amounts derived from mandatory employee contributions would be determined using the rules of section 411(c) of the Code. Specifically, the participant's accumulated mandatory employee contributions—the participant's rollover amounts credited with interest at 120% of the Federal mid-term rate from the date of the rollover to the plan's termination date—would be converted to an actuarially equivalent straight life annuity under the plan payable at the normal retirement age using the applicable interest rate and mortality table under section 417(e) of the Code as of the plan's termination date. Consistent with Rev. Rul. 2012–4, which defines this annuity amount as the actuarial equivalent of an employee's rollover amounts to a defined benefit plan, only an annuity benefit determined on this basis would be assigned to PC2.

Rev. Rul. 2012–4 permits a qualified defined benefit plan to offer a subsidy with respect to a rollover by using a more generous annuity conversion factor than under the minimum rules for an actuarially equivalent annuity under section 411(c) of the Code, provided the additional qualification requirements applicable to a benefit derived from employer contributions are met. If, under the plan's provisions, the benefit resulting from rollover amounts exceeds the annuity derived from mandatory employee contributions determined under the rules of section 411(c)(2) of the Code—for example, because the plan uses more generous conversion factors than those under section 417(e) of the Code—the proposed rule would treat the portion of the benefit in excess of the annuity derived from mandatory employee contributions under the rules of section 411(c)(2) as a benefit derived from employer contributions for purposes of assigning the benefits to the priority categories under part 4044. The annuity benefit derived from employer contributions would be a guaranteeable benefit in PC3, PC4, or PC5, as applicable, because it is a nonforfeitable benefit (*i.e.,* a benefit for which the participant has satisfied all plan conditions for entitlement as of the plan's termination date). Under section 4022(a) of ERISA, PBGC is required to guarantee all nonforfeitable benefits provided by a plan, subject to the limitations contained in section 4022(b).

Applicability

The amendments made by this proposed rule would apply to terminations initiated on or after the effective date of the final rule. In the interim, PBGC will make determinations under the current regulations, consistent with IRS Rev. Rul. 2012–4, including

paying the return of employee contributions under a benefit resulting from rollover amounts in a single sum.

Compliance With Rulemaking Requirements

Executive Order 12866 ''Regulatory Planning and Review'' and Executive Order 13563 ''Improving Regulation and Regulatory Review''

PBGC has determined, in consultation with the Office of Management and Budget, that this rule is not a ''significant regulatory action'' under Executive Order 12866.

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Orders 12866 and 13563 require a comprehensive regulatory impact analysis be performed for any economically significant regulatory action, defined as an action that would result in an annual effect of $100 million or more on the national economy or which would have other substantial impacts. In accordance with OMB Circular A–4, PBGC has examined the economic and policy implications of this proposed rule and has concluded that the action's benefits justify its costs.

Under Section 3(f)(1) of Executive Order 12866, a regulatory action is economically significant if ''it is likely to result in a rule that may . . . [h]ave 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.'' PBGC has determined that this proposed rule does not cross the $100 million threshold for economic significance and is not otherwise economically significant.

PBGC estimates that the annual economic impact of this proposed rule would be about $11,000,000. This is the amount PBGC estimates that participants who roll over benefits from defined contribution plans to defined benefit plans that subsequently terminate and are trusteed by PBGC in aggregate would gain (and PBGC would lose), as a result of the proposed regulatory change to exclude from the maximum guaranteeable benefit and phase-in limitations any benefit resulting from rollover amounts that does not exceed the accrued benefit derived from mandatory employee contributions.

Since IRS has only recently provided guidance to defined benefit plans on calculating rollover amounts, PBGC has no historic data to draw upon in developing this estimate. Accordingly, PBGC made conservative assumptions based on its judgment about such factors as how many defined benefit plans would allow rollovers from defined contribution plans and how many participants in such plans would roll over benefits from defined contribution plans.

Although it is difficult to predict with any certainty the annual economic impact of the proposed regulatory action, given that the estimate is so far below $100 million, PBGC has determined that the annual economic impact of the proposed rule would be less than $100 million.

Regulatory Flexibility Act

The Regulatory Flexibility Act imposes certain requirements with respect to rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a proposed rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the Regulatory Flexibility Act requires that the agency present an initial regulatory flexibility analysis at the time of the publication of the proposed rule describing the impact of the rule on small entities and seeking public comment on such impact. Small entities include small businesses, organizations and governmental jurisdictions.

For purposes of the Regulatory Flexibility Act requirements with respect to this proposed rule, PBGC considers a small entity to be a plan with fewer than 100 participants. This criterion is consistent with certain requirements in Title I of ERISA and the Internal Revenue Code, as well as the definition of a small entity that the Department of Labor has used for purposes of the Regulatory Flexibility Act.

Further, while some large employers that terminate plans may have small plans that terminate along with larger ones, in general most small plans are maintained by small employers. Thus, PBGC believes that assessing the impact of the final rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration (13 CFR 121.201) pursuant to the Small Business Act. PBGC therefore requests comments on the appropriateness of the size standard used in evaluating the impact on small entities of the amendments to the benefit payments regulation to implement this proposed rule.

On the basis of its proposed definition of small entity, PBGC certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the amendments in this proposed rule would not have a significant economic impact on a substantial number of small entities. Virtually all, if not all, of the effect of this proposed rule will be on PBGC or persons who receive benefits from PBGC. Accordingly, as provided in section 605 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), sections 603 and 604 do not apply.

List of Subjects

29 CFR Part 4001

Pensions.

29 CFR Part 4022

Pension insurance, Pensions.

29 CFR Part 4044

Pension insurance, Pensions.

For the reasons given above, PBGC proposes to amend 29 CFR parts 4001, 4022, and 4044 as follows.

PART 4001—TERMINOLOGY

■ 1. The authority citation for part 4001 continues to read as follows:

Authority: 29 U.S.C. 1301, 1302(b)(3).

■ 2. In § 4001.2, add a definition for ''rollover amounts'' in alphabetical order to read as follows:

§ 4001.2 Definitions

* * * * *

Rollover amounts means the dollar amount of all or any part of a distribution that is rolled over into a defined benefit plan in accordance with section 401(a)(31) or 402(c) of the Internal Revenue Code.

* * * * *

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE–EMPLOYER PLANS

■ 3. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322(b), 1341(c)(3)(D), and 1344.

§ 4022.7 [Amended]

■ 4. Amend § 4022.7 as follows:

■ a. In paragraph (b)(2)(i), add the phrase ''except as provided in paragraph (b)(2)(iii) of this section,''after the words ''Notwithstanding any other provision of this part,'';

■ b. Add paragraph (b)(2)(iii); and

■ c. Revise paragraph (c)(2).

The addition and revision read as follows:

§ 4022.7 Benefits payable in a single installment.

* * * * *

(b) * * *

(iii) *Rollover amounts.* The rule in paragraph (b)(2) of this section (dealing with return of employee contributions) does not apply to a participant's accumulated mandatory employee contributions resulting from rollover amounts (as determined under § 4044.12(c)(4)(i) of this chapter) or the benefit derived from such mandatory employee contributions.

* * * * *

(c) * * *

(2) *Exception.* Except in the case of accumulated mandatory employee contributions resulting from rollover amounts (as determined under § 4044.12(c)(4)(i) of this chapter), upon the death of a participant the PBGC may pay in a single installment (or a series of installments) that portion of the participant's accumulated mandatory employee contributions that is payable under the plan in a single installment (or a series of installments) upon the participant's death.

* * * * *

§ 4022.8 Form of payment.

■ 5. In § 4022.8, add paragraph (f) to read as follows:

* * * * *

(f) *Rollover amounts.* The annuity benefit resulting from rollover amounts (as determined under § 4044.12(c)(4)) is combined with any other benefit under the plan and paid in the same form and at the same time as the other benefit.

§ 4022.22 Maximum guaranteeable benefit.

■ 6. In § 4022.22, add paragraph (d) to read as follows:

* * * * *

(d) *Rollover amounts.* Any portion of a benefit derived from mandatory employee contributions resulting from rollover amounts (as determined under § 4044.12(c)(4)(i) of this chapter) is disregarded in applying the provisions of §§ 4022.22 and 4022.23. However, any portion of a benefit derived from employer contributions resulting from rollover amounts (as determined under § 4044.12(c)(4)(ii) of this chapter) is combined with any other benefit under the plan for purposes of determining the maximum guaranteeable benefit under §§ 4022.22 and 4022.23. For example, assume that a participant has an $80,000 total annual plan benefit at age 65, of which $15,000 is derived from mandatory employee contributions resulting from rollover amounts and $5,000 is derived from employer contributions resulting from rollover amounts. The $15,000 benefit derived from employee contributions resulting from rollover amounts would be excluded in the determination of the participant's maximum guaranteeable amount. The participant's remaining $65,000 benefit (including the $5,000 benefit derived from employer contributions resulting from rollover amounts) would be subject to the maximum guaranteeable benefit limitation. Assuming a PBGC maximum guaranteeable benefit of $59,000 for a straight life annuity at age 65 (the approximate level for 2014), the participant's maximum guaranteeable benefit would effectively be increased by the $15,000 benefit derived from employee contributions resulting from rollover amounts, resulting in total guaranteed benefits of $74,000. (The $59,000 maximum guaranteeable benefit limitation would apply to the participant's benefit derived from employer contributions; as a result, $6,000 of the participant's benefit derived from employer contributions would not be guaranteed by PBGC.)

§ 4022.24 Benefit increases.

■ 7. In § 4022.24, add paragraph (g) to read as follows:

* * * * *

(g) *Rollover amounts.* Any portion of a benefit derived from mandatory employee contributions resulting from rollover amounts (as determined under § 4044.12 (c)(4)(i) of this chapter) is disregarded in applying the provisions of §§ 4022.24 through 4022.26. However, any portion of a benefit derived from employer contributions resulting from rollover amounts (as determined under § 4044.12 (c)(4)(ii) of this chapter) is combined with any other benefit under the plan in applying the provisions of §§ 4022.24 through 4022.26. In such case, the benefit increase is deemed to be in effect on the date the rollover amounts are received by the plan.

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 8. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, and 1362.

■ 9. In 4044.12, paragraphs (b)(4) and (c)(4) are added to read as follows:

§ 4044.12 Priority category 2 benefits.

* * * * *

(b) * * *

(4) *Rollover amounts.* In the case of a benefit resulting from rollover amounts, notwithstanding the provisions of paragraph (b)(2) of this section, the interest rates and conversion factors in § 4044.12(c)(4) are used to determine the portion of the accrued benefit derived from the employee's contributions and, if any, the portion of the accrued benefit derived from employer contributions.

(c) * * *

(4) *Special rules for benefit resulting from rollover amounts.* (i) *Mandatory employee contributions.* Notwithstanding paragraphs (c)(1) through (3) of this section, in the case of a benefit resulting from rollover amounts, the accrued benefit derived from mandatory employee contributions is determined using the interest rates and conversion factors under section 411(c)(2)(B) and (C) of the Code for purposes of computing an employee's accrued benefit derived from the employee's contributions. The annuity benefit and the pre-retirement death benefit, as determined on this basis, is the benefit resulting from rollover amounts in priority category 2.

(ii) *Employer contributions.* Any portion of a participant's accrued benefit resulting from rollover amounts that is in excess of the accrued benefit derived from mandatory employee contributions determined in accordance with paragraph (c)(4)(i) of this section (*i.e.,* the accrued benefit derived from employer contributions) is a guaranteeable benefit in priority category 3, priority category 4, or priority category 5, as applicable under this part.

Issued in Washington, DC, this 26th day of March 2014.

Joshua Gotbaum,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–07323 Filed 4–1–14; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2014–OSERS–0025]

Proposed Priority—National Institute on Disability and Rehabilitation Research—Rehabilitation Engineering Research Centers

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

ACTION: Proposed priority.

[CFDA Number: 84.133E–5.]

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for the Rehabilitation Engineering Research and Centers (RERC) Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, this notice proposes a priority for an RERC on Technologies to Enhance Independence in Daily Living for Adults with Cognitive Impairments. We take this action to focus research attention on an area of national need. We intend the priority to contribute to improved outcomes related to independence in daily activities in the home, community, or workplace setting for adults with cognitive impairments.

DATES: We must receive your comments on or before May 2, 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 Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, 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.

FOR FURTHER INFORMATION CONTACT: Patricia Barrett. Telephone: (202) 245–6211 or by email: *patricia.barrett@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.

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.*

Through the implementation of the Plan, 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 FY 2014 and possibly in 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 proposed priority. To ensure that your comments have maximum effect in developing the final priority, we urge you to identify clearly the specific topic 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 in room 5142, 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. The Program is also intended to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Engineering Research Centers

The purpose of the RERCs, 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 with guidance from its Rehabilitation Research Advisory Council. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers, and other research stakeholders. Additional information on the RERC program can be found at: *http://www2.ed.gov/programs/rerc/index.html#types.*

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

Applicable Program Regulations: 34 CFR part 350.

Proposed Priority

This notice contains one proposed priority.

RERC on Technologies To Enhance Independence in Daily Living for Adults With Cognitive Impairments

Background

Estimates from the most recent U.S. Census data indicate that in 2011 over 12 million Americans of all ages with functional impairments relied on personal assistance and other long-term services and supports (LTSS) in their home and community or in an institution, to perform daily activities to maintain their quality of living and, when possible, their independence (Brault, 2012; Kay, Harrington, and LaPlante, 2010). The need for LTSS is projected to increase dramatically in the coming decades to a high of 27 million in 2050 (Kay, Harrington, and LaPlante, 2010). This increase will be driven primarily by the aging of the population and the higher prevalence of disability among older individuals, but also by the increased longevity experienced by individuals with early onset disabilities (Field & Jette, 2007).

Associated with the increasing prevalence of disability generally is an increasing prevalence of cognitive impairments. Cognitive impairments refer to significant difficulties in remembering, concentrating, or making decisions resulting from physical, mental, or emotional conditions (U.S. Census Bureau, 2012). The 2011 ACS estimated that there were about 14.0 million individuals with cognitive impairments in the U.S. population. The prevalence of cognitive impairments among individuals who are 65 years and older is about 2.3 times the prevalence among individuals under 65 years; so, like disability in general, the prevalence of cognitive impairments is expected to increase substantially in future decades.

The increasing number of Americans with cognitive impairments will present a number of pressing challenges. Chief among these will be the need to promote and sustain independence in daily living and to find less intrusive and more cost-effective ways of delivering the services and supports people need to remain as independent as possible.

Today, about 10–11 million Americans, predominately adults, with physical, sensory, psychiatric, and cognitive impairments rely on personal assistance and other LTSS to perform daily activities in their home, community, and workplace (Kaye, Harrington & LaPlante, 2010). LTSS refers to a range of person-to-person assistance received by people with disabilities that allows them to carry out their tasks of daily living and live as independently as possible. In 2011, expenditures from Federal and State Medicaid for LTSS to assist individuals with disabilities were estimated at $211 billion (O'Shaughnessy, 2013).

Given the projected growth in the number of Americans with disabilities, the Nation has a substantial financial, as well as social interest, in developing technologies that enhance independence in daily living and can reduce the reliance on costly traditional LTSS (Commission on LTC, 2013). Particularly, in the area of support for adults with cognitive impairments, there is substantial potential for technologies to provide assistance that otherwise would need to be provided by human support providers (IOM, 2013; LeadingAge CAST, 2011; NCD, 2011).

Technology-based alternatives to direct services and supports for daily living include assistive and smart technologies, such as cueing, and prompting or coaching devices, home and community monitoring systems, community wayfinding applications for hand-held devices, socially assistive robotics, smart environments, workplace supports, computer and Web-based teaching programs, tele-supports, technology-based care, service coordination systems, and many other applications of existing technologies (IOM, 2013; LeadingAge CAST, 2011; NCD, 2011).

The need for assistance for individuals with cognitive impairments to sustain independence in daily activities in the home, community, and workplace will expand greatly in coming decades due to the aging of the population. At the same time, fewer family caregivers will be able to care for family members with disabilities for a number of reasons, such as limitations due to their own aging and national declines in savings rates, retirement asset accumulation, and private insurance purchase. The decline in assistance from family caregivers will result in increased pressure on Medicaid programs.

Advances in science and engineering and the increased availability of new and emerging technologies, applications of existing technologies to new circumstances, and ever-improving information technology infrastructures offer promise in responding to the challenges of assisting the increasing number of people with cognitive impairments to maintain independence in daily living (IOM, 2013). Technology-based alternatives represent substantial opportunities to support independence and quality of life for adults with cognitive impairments in ways that are both liberating and cost-effective and that advance the widely endorsed goal of maintaining community living for individuals with disabilities and older adults (U.S. DHHS Community Living Initiative, 2010).

References

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U.S. Department of Health and Human Services (DHHS). Community Living Initiative. (May 20, 2010). Centers for Medicare & Medicaid (*http://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SMD10008.pdf*).

Proposed Priority

The Assistant Secretary for Special Education and Rehabilitative Services proposes the following priority for a Rehabilitation Engineering Research Center (RERC) on Technologies to Enhance Independence in Daily Living for Adults with Cognitive Impairment. This RERC must focus on innovative technological solutions, new knowledge, and implementation strategies that enhance the independence and self-management of adults with cognitive impairment.

Under this priority, the RERC must research, develop, and evaluate new technologies, or adapt and evaluate existing technologies, to enhance the ability of adults with cognitive impairment to perform daily activities of their choice in the home, community, or workplace. Technologies developed or adapted must be designed for commercialization as consumer products or for integration into rehabilitation practice or relevant service delivery systems. Research and development topics under this priority may include, but are not limited to: Monitoring and prompting technologies or other information or communication aids; assistive technologies, including socially assistive robotics; mobile and wearable technologies; virtual reality; and care coordination or tele-health, tele-rehabilitation and other tele-support systems to facilitate improved activities of daily living.

In responding to this priority, applicants must specify the target populations or subgroups of adults with cognitive impairments that they intend to focus on and identify the setting or settings for which they intend to develop technologies: Home, community, or workplace. Applicants must also limit the number of research and development projects to a maximum of eight, and restrict the range of different types of technologies to what is manageable with available resources.

Under this priority, the RERC must be designed to contribute to the following outcomes:

(a) Increased technical and scientific knowledge relevant to technologies for increasing independence in daily living for adults with cognitive impairments. The RERC must contribute to this outcome by establishing a rigorous research and development plan that is balanced between technology development or adaption and technology evaluation and incorporates needs assessment, usability testing, and intervention development or efficacy studies, as appropriate. The research and development plan must be designed to build a base of evidence for assessing the usability, accessibility, acceptance, utility, and cost-benefit of technologies intended to improve independence in daily activities for adults with cognitive impairment in the home, community, or workplace settings. The RERC must contribute to this outcome by:

(i) Building a transdisciplinary team of collaborators from relevant disciplines, such as: Rehabilitation and bio-engineering, computer science, human factors specialists, cognitive and behavioral scientists, clinicians and other relevant providers;

(ii) Conducting research and research syntheses or secondary analysis of existing data to evaluate user needs and specify the accessibility, acceptance, and human factors design features that will need to be built into the technology solutions developed and evaluated by the RERC to accommodate the cognitive impairments and preferences of the target population;

(iii) Conducting rigorous usability testing in the settings in which the technology will be used;

(iv) Developing and prioritizing a list of evaluation topics that, when addressed, will lead to research-based information on the utility or efficacy of technology solutions developed by the RERC; and

(v) Involving key stakeholders in the research and research planning activities to maximize the relevance and usefulness of the research products being developed. Stakeholders can include, but are not limited to, individuals with disabilities and their families; national, State, or local-level policymakers, administrators, or service providers; and industry representatives.

(b) Improved usability and effectiveness of technologies, products, devices, systems, performance guidelines, and assessment tools through systematic development or adaptation, testing, and evaluation of innovations. In developing the technologies under this priority the RERC must:

(i) Incorporate user-centered designed strategies and consider the context in which the technology product, device, or system will be used;

(ii) Emphasize the principles of universal design and, as appropriate, conform to human factors standards, such as reliability, safety, and simplicity; accessibility and acceptability to users; protective of users' privacy preferences; intuitive user interfaces; feedback in meaningful sensory modalities; and appropriateness to diverse populations;

(iii) Incorporate ongoing training opportunities or user supports into the design of the technology or into the practice settings or delivery systems in which the technology will be integrated; and

(iv) Ensure that the technologies are interoperable within existing rehabilitation systems or home or mobile technologies and that they communicate with existing information technology systems, as appropriate.

(c) Improved research capacity areas that will contribute to enhancing the ability of adults with cognitive impairment to perform daily activities. The RERC must contribute to this outcome by collaborating with the relevant institutions of higher education, professional associations, clinicians and service providers, and other researchers or educators, as appropriate.

(d) Improved awareness and understanding of cutting-edge developments and promising technology solutions that will contribute to enhancing the ability of adults with cognitive impairment to perform daily activities. The RERC must contribute to this outcome by identifying and communicating with relevant stakeholders, including NIDRR, individuals with disabilities and their representatives, disability organizations, service providers, professional journals, manufacturers, and other interested parties regarding trends and evolving product concepts related to its designated priority research area.

(e) Increased impact of research and development activities carried out under this priority area. The RERC must contribute to this outcome by:

(i) Providing technical assistance to relevant public and private organizations, individuals with disabilities and their families, LTSS providers, and employers on policies, guidelines, and standards; and

(ii) Establishing or contributing to an existing program or service that provides objective information and technical and consumer reviews about technologies of promise to support independence in daily living for adults with cognitive impairments.

(f) Increased transfer of RERC-developed technologies to the marketplace for widespread testing and use by developing and implementing a plan to ensure that technologies developed by the RERC are made

available to the public or to service delivery systems that serve the public. This technology transfer plan must be developed in the first year of the project period in consultation with the NIDRR-funded Center on Knowledge Translation for Technology Transfer.

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 Rehabilitation Engineering Research Centers Program have been well established over the years. Projects similar to the RERCs have been completed successfully, and the proposed priority will generate new knowledge through research. The new RERCs will 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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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 27, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–07295 Filed 4–1–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[EPA–HQ–OW–2009–0596; FRL–9908–18–OW]

RIN 2040–AF50

Water Quality Standards for the State of Florida's Lakes and Flowing Waters; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to withdraw federal water quality standards applicable to waters of the state of Florida now that Florida has adopted and EPA has approved relevant state standards. On December 6, 2010, EPA published a rule finalizing numeric nutrient standards for Florida's lakes, springs, and flowing waters outside of the South Florida Nutrient Watershed Region. EPA established these water quality standards to protect Florida's Class I and III freshwaters from nitrogen and phosphorus pollution. On November 30, 2012, June 27, 2013, and September 26, 2013, EPA approved numeric nutrient standards adopted by the state of Florida for certain waters in the state.

Some of the water body types and provisions covered by state-adopted water quality standards were also included in EPA's final inland waters rule (criteria for Florida's lakes and springs, approaches to protect downstream lakes, and a provision for developing Site-Specific Alternative Criteria). EPA is now proposing to withdraw the overlapping federally-promulgated water quality standards to allow Florida to implement their state-adopted, EPA-approved water quality standards to address nutrient pollution in Florida's waters. Additionally, EPA is not finalizing three 2012 federal proposed rules related to nutrient pollution in Florida.

DATES: Comments must be received on or before June 2, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2009–0596, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: ow-docket@epa.gov*
3. *Mail to:* Water Docket, U.S. Environmental Protection Agency, Mail code: 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Attention: Docket ID No. EPA–HQ–OW–2009–0596.
4. *Hand Delivery:* EPA Docket Center, EPA West Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004, Attention Docket ID No. EPA–HQ–OW–2009–0596. 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–OW–2009–0596. 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 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 *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 a docket facility. The Office of Water (OW) Docket Center is open from 8:30 a.m. until 4:30 p.m., Monday through Friday, excluding legal holidays. The OW Docket Center telephone number is (202) 566–2426, and the Docket address is OW Docket, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. 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.

FOR FURTHER INFORMATION CONTACT: Erica Fleisig, U.S. EPA Headquarters, Office of Water, Mailcode: 4305T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 566–1057; email address: *fleisig.erica@epa.gov*.

SUPPLEMENTARY INFORMATION: This proposed rule is organized as follows:

I. General Information
- A. Which water bodies are affected by this action?
- B. What entities may be affected by this action?
- C. What should I consider as I prepare my comments for EPA?
- D. How can I get copies of this document and other related information?

II. Background
- A. Background on EPA's Inland Rule, Amended Determinations, and Approval of State Criteria
- B. 2014 District Court Ruling and Modification of Consent Decree
- C. Proposed Withdrawal of Federal Criteria for Lakes, Springs, and DPVs

III. Statutory and Executive Order Reviews
- A. Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)
- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Unfunded Mandates Reform Act
- E. Executive Order 13132 (Federalism)
- F. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)
- G. Executive Order 13045 (Protection of Children From Environmental Health and Safety Risks)
- H. Executive Order 13211 (Actions That Significantly Affect Energy Supply, Distribution, or Use)
- I. National Technology Transfer Advancement Act of 1995
- J. Executive Order 12898 (Federal Actions To Address Environmental Justice in

Minority Populations and Low-Income Populations)

I. General Information

A. Which water bodies are affected by this action?

In this document, EPA is proposing to withdraw federally promulgated water quality standards (WQS) from a group of inland waters of the United States within Florida. Specifically, as defined below and in EPA's December 6, 2010 final inland waters rule (40 CFR 131.43), EPA is proposing to withdraw the federal criteria for Florida's Class I and III [1] freshwater lakes and springs, as well as downstream protection values (DPVs) to protect downstream lakes and a provision for developing site-specific alternative criteria (SSAC) in all water bodies.

EPA's final inland waters rule defined ''Predominantly fresh waters'' to mean surface waters in which the chloride concentration at the surface is less than 1,500 milligrams per liter (mg/L). EPA defined ''Lake'' as a slow-moving or standing body of freshwater that occupies an inland basin that is not a stream, spring, or wetland. Finally, EPA defined ''Spring'' as a site at which ground water flows through a natural opening in the ground onto the land surface or into a body of surface water.

B. What entities may be affected by this action?

This action proposes to withdraw federal WQS applicable to certain waters in Florida for which the state has adopted criteria that EPA has determined are consistent with the CWA and EPA's implementing regulations. Citizens concerned with water quality, as well as the state of Florida—who was previously required to implement federal numeric nutrient criteria before this withdrawal, but will no longer be required to do so after this withdrawal is finalized—may be interested in this rulemaking. Also, entities discharging nitrogen or phosphorus to waters of Florida may be interested in this rulemaking because WQS are used in determining National Pollutant Discharge Elimination System (NPDES) permit limits. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

C. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit confidential business information (CBI) to EPA through *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.
- Make sure to submit your comments by the comment period deadline identified.

D. How can I get copies of this document and other related information?

1. *Docket.* EPA has established an official public docket for this action under Docket Id. No. EPA–HQ–OW–2009–0596. The official public docket consists of the document specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include CBI or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the OW Docket, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566–2426. A reasonable fee will be charged for copies.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.regulations.gov* to view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the Docket Facility identified in Section I.D(1).

II. Background

A. Background on EPA's Inland Rule, Amended Determinations, and Approval of State Criteria

On December 6, 2010, pursuant to a January 14, 2009 EPA determination and December 30, 2009 consent decree, EPA published the inland waters rule to establish numeric nutrient criteria for Florida's lakes, springs, and flowing waters outside of the South Florida Nutrient Watershed Region.[2] These criteria also included three approaches for deriving DPVs, applicable to flowing waters at the point where they enter downstream lakes, which would ensure protection of downstream lakes as required by EPA's implementing regulations (40 CFR 131.10(b)).

On November 30, 2012, EPA amended its January 14, 2009 determination stating that numeric criteria for downstream protection are not necessary to meet CWA requirements in Florida. This was because Florida's approach to downstream protection, in

[1] Subsection 62–302.400(1), Florida Administrative Code (F.A.C.) provides as follows:

All surface waters of the state have been classified according to designated uses as follows:

CLASS I Potable Water Supplies

CLASS II Shellfish Propagation or Harvesting

CLASS III Fish Consumption; Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife.

[2] EPA defined the South Florida Nutrient Watershed Region as the area south of Lake Okeechobee, the Caloosahatchee River watershed (including Estero Bay) to the west of Lake Okeechobee, and the St. Lucie watershed to the east of Lake Okeechobee.

combination with nutrient criteria for nutrient-sensitive downstream water bodies, achieves timely and effective protection of downstream waters. With the additional clarification provided in Florida's ''Implementation of Florida's Numeric Nutrient Standards'' rule-referenced document on the scope of waters covered by state-adopted numeric nutrient criteria, EPA amended its January 2009 determination for a second time on June 28, 2013, concluding that numeric nutrient criteria are not necessary for a limited number of waters in the state of Florida (specifically, flowing waters in the South Florida Region, marine lakes, tidally-influenced flowing waters, and conveyances primarily used for water management purposes with marginal or poor stream habitat components).

These actions, coupled with EPA's November 30, 2012, June 27, 2013, and September 26, 2013 approvals of Florida's numeric nutrient criteria, result in Florida having EPA-approved numeric nutrient criteria for all fresh water lakes, springs, estuaries and coastal waters, and the majority of flowing waters in the state.

B. 2014 District Court Ruling and Modification of Consent Decree

On January 7, 2014, the U.S. District Court for the Northern District of Florida granted an EPA motion to modify the consent decree (Case No. 4:08–cv–324–RH, Florida Wildlife Fed'n v. McCarthy, 2014 WL 51360 (N.D. Fla. Jan. 7, 2014)). As a result of this ruling, EPA is no longer obligated to promulgate numeric nutrient criteria for any of Florida's waters, and will therefore not be finalizing its November 30, 2012 federal proposed rules addressing Florida's estuaries and coastal waters, inland waters in the South Florida Nutrient Watershed Region, and the remanded portions of the inland waters rule (77 FR 74923 and 77 FR 74985, December 18, 2012). In addition, EPA will no longer be finalizing its December 14, 2012 proposal to temporarily stay portions of the inland waters rule. EPA can now withdraw already promulgated federal criteria so Florida's nutrient criteria can take effect.

For more specifics on the Agency and court actions leading to this proposal, refer to the following:

EPA Determination Regarding Florida and Consent Decree: http://water.epa.gov/lawsregs/rulesregs/florida_consent.cfm.

Florida Adoption of Numeric Nutrient Criteria in 2012 and EPA Approval: http://www2.epa.gov/aboutepa/epa-florida.

EPA's 2012 Proposed Rulemaking: http://water.epa.gov/lawsregs/rulesregs/florida_index.cfm.

2013 EPA and FDEP Agreement in Principle and Path Forward: http://content.govdelivery.com/bulletins/gd/FLDEP–713cfb.

C. Proposed Withdrawal of Federal Criteria for Lakes, Springs, and DPVs

Florida now has state-adopted, EPA-approved criteria for lakes and springs that are applicable for CWA purposes. Thus there is no need for overlapping federal criteria for such waters. With respect to federal DPVs, EPA determined on November 30, 2012 that numeric criteria for downstream protection are not necessary in Florida and that same day approved Florida's quantitative downstream protection approach. Finally, since Florida has its own process for developing SSAC, a federal SSAC process is unnecessary. Thus, EPA is proposing to withdraw the federal criteria for lakes and springs, federal DPVs, and the federal SSAC provision that took effect on January 6, 2013 (with the exception of the federal SSAC provision that went into effect on February 4, 2011) and solicits comments on this proposal.

III. 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 rule does not impose any new information-collection burden because it is administratively withdrawing federal requirements that are no longer needed in Florida. It does not include any information-collection, reporting, or recordkeeping requirements.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

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

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. This proposed rule will not impose any requirements 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. This rule proposes to remove federally-promulgated water quality standards addressing nutrient pollution in Florida in order to allow Florida to implement their state-adopted, EPA-approved water quality standards.

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. This rule proposes to remove federally-promulgated water quality standards addressing nutrient pollution in Florida in order to allow Florida to implement their state-adopted, EPA-approved water quality standards. 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). This rule imposes no regulatory requirements or costs on any tribal government. It does not have substantial direct effects on tribal governments, the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045 (Protection of Children From Environmental Health and Safety Risks)

This rule is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866 and because the environmental health or safety risks addressed by this action do not present a disproportionate risk to children.

The public is invited to submit comments or identify peer-reviewed studies and data that assess effects of early life exposure.

H. Executive Order 13211 (Actions 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. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking 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, February 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 proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because: (1) Florida's WQS apply to waters across the state, and thus this action will not disproportionately affect any one group over another, and (2) EPA has previously determined, based on the most current science, that Florida's adopted and EPA-approved criteria are protective of human health and aquatic life.

List of Subjects in 40 CFR Part 131

Environmental protection, Florida, Nitrogen and phosphorus pollution, Nutrients, Water quality standards.

Dated: March 26, 2014.

Gina McCarthy,

Administrator.

For the reasons set out in the preamble, EPA proposes to amend 40 CFR part 131 as follows:

PART 131—WATER QUALITY STANDARDS

■ 1. The authority citation for part 131 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

Subpart D—Federally Promulgated Water Quality Standards

§ 131.43 [Removed]

■ 2. Section 131.43 is removed.

[FR Doc. 2014–07387 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[EPA–HQ–RCRA–2013–0396; FRL–9909–00–OSWER]

RIN 2050–AG79

Polychlorinated Biphenyls (PCBs): Manufacturing (Import) Exemption for the Defense Logistics Agency (DLA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or the Agency) is proposing to take action on a petition from the United States Defense Logistics Agency (DLA) to import foreign-manufactured polychlorinated biphenyls (PCBs). For purposes of the Toxic Substances Control Act (TSCA), ''manufacture'' is defined to include the import of chemical substances into the customs territory of the United States. With certain exceptions, section 6(e)(3) of TSCA bans the manufacture, processing, and distribution in commerce of PCBs. One of these exceptions is TSCA section 6(e)(3)(B), which gives EPA authority to grant petitions to import PCBs into the customs territory of the United States for a period of up to 12 months, provided EPA can make certain findings by rule. On April 23, 2013, EPA received a petition from DLA, a component of the United States Department of Defense (DOD), to import foreign-manufactured PCBs that DOD currently owns in Japan for disposal in the United States. EPA is proposing to grant DLA's petition as of July 1, 2014. This proposal to grant the petition, if finalized, would allow DLA to manufacture (i.e., import) certain PCBs for disposal. EPA has granted two previous exemptions in 2003 and 2007 to DLA for similar petitions to import PCBs for disposal. Without an exemption granted by EPA, DLA would not be allowed to import the PCB waste to the U.S. for proper disposal. In fact, if the exemption is not granted, it is very likely that DLA will not be able to find any country willing to accept and properly dispose of the PCB waste.

DATES: Written comments or a request for an informal hearing (per 40 CFR part 750, subpart B) must be received by May 2, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2013–0396, by mail to RCRA Docket, Mail Code 28221T, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–RCRA–2013–0396. Please include a total of two copies. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the Rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Kelly Greene, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, (MC: 5304P), 1200 Pennsylvania Avenue NW., Washington, DC 20460, Phone: 703–347–0363; or by email: *greene.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is EPA proposing this rule?

EPA is proposing to grant DLA's petition to revise 40 CFR 761.80, which will allow DLA to import its PCB waste from Japan back to the customs territory of the United States for proper disposal. In addition, in the Rules section of this **Federal Register**, EPA is promulgating a direct final rule to make the same revision as is being proposed here, for the reasons outlined in detail in the preamble to that direct final rule. The reason EPA is issuing a direct final rule elsewhere in this **Federal Register** is because we view this revision as a noncontroversial action and anticipate no adverse comment. However, if we receive adverse comment or a request for an informal hearing, we will withdraw the direct final rule (and therefore it will not take effect based on the direct final rule), and address all public comments in any subsequent final rule based on this proposed rule. Alternatively, if we receive no adverse comment (or request for an informal hearing) on the change we are promulgating today in the direct final rule, we will not take further action on this proposed rule. We do not intend to institute a second comment period on this action, unless an informal hearing is requested, in which case comments will be accepted until one week after the close of the informal hearing. Any parties interested in commenting should do so at this time, since there may not be an informal hearing. For further information, please see the information provided in the **ADDRESSES** section of this document.

II. Does this action apply to me?

The discussion of the potentially affected entities by this proposed rule can be found in the preamble to the direct final rule located in the Rules section of this **Federal Register**.

III. Statutory and Executive Order Reviews

For a complete discussion of all the administrative requirements applicable to this action, see the direct final rule in the Rules section of this **Federal Register**.

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business that is primarily engaged in hazardous waste treatment and disposal as defined by NAICS code 562211, with annual receipts of less than 12.5 million dollars (based on Small Business Administration size standards); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

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. This rule merely allows DOD to bring its PCB waste back to the U.S. for proper disposal.

List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous substances, and Polychlorinated biphenyls.

Dated: March 25, 2014.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 2014–07390 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80–286; FCC 14–27]

Jurisdictional Separations and Referral to the Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks public comment on a proposal to extend the freeze of jurisdictional separations category relationships and cost allocation factors in the Commission's rules for three years, through June 30, 2017. This document also proposes to direct the Wireline Competition Bureau to open a filing ''window'' to encourage (but not require) rate-of-return incumbent LECs that desire waivers of the category relationships freeze to file during the window.

DATES: Comments are due on or before April 16, 2014. Reply comments are due on or before April 23, 2014.

ADDRESSES: You may submit comments identified by CC Docket No. 80–286 by any of the following methods:

- Federal Communications Commission's Web site: *http://fjallfoss.fcc.gov/ecfs2/*. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Greg Haledjian, Wireline Competition Bureau, Pricing Policy Division, (202) 418–1520 or *gregory.haledjian@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (FNPRM) in CC Docket No. 80–286, dated on March 26, 2014 and released on March 27, 2014. The full text of this document is available for public inspection during regular business hours in the Commission's Reference Center, 445 12th Street SW., Room CY–A257, Washington, DC, 20554. The full text of this document may be downloaded at the following Internet address: *http://www.fcc.gov/documents/*

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Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See, Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998.

▪ Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*.

▪ Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

○ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

○ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

The proceeding this FNPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § . 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

I. Further Notice of Proposed Rulemaking

A. Introduction

1. In this Further Notice of Proposed Rulemaking, we propose to extend the freeze of jurisdictional separations category relationships and cost allocation factors in part 36 of the Commission's rules for three years, through June 30, 2017. We also propose to direct the Wireline Competition Bureau (Bureau) to open a filing ''window'' for rate-of-return incumbent local exchange carriers (LECs) to file waiver requests to unfreeze their jurisdictional separations category relationships. That filing window would invite and encourage any rate-of-return incumbent LEC that opted, in 2001, to freeze its category relationships and no longer wishes to continue the freeze to submit its waiver petition within the filing window, so that such requests may be considered in a consistent and coordinated manner. We seek comment on these proposals.

2. The Commission notes the need for expediency in completing this rulemaking because the freeze of our separations rules expires on July 1, 2014. In addition, interested parties are familiar with the issues involved in extending the freeze of our separations rules as the Commission has previously extended them multiple times.

B. Background

3. Jurisdictional separations is the process by which incumbent LECs apportion regulated costs between the intrastate and interstate jurisdictions. Incumbent LECs record their costs pursuant to part 32 of the Commission's regulations. These costs are then divided between regulated and unregulated costs pursuant to part 64 of the Commission's regulations. Incumbent LECs then perform the jurisdictional separations process pursuant to part 36 of the Commission's rules.

4. The jurisdictional separations process itself has two parts. First, incumbent LECs assign regulated costs to various categories of plant and expenses. In certain instances, costs are further disaggregated among service categories. Second, the costs in each category are apportioned between the intrastate and interstate jurisdictions. These jurisdictional apportionments of categorized costs are based upon either a relative use factor, a fixed allocator, or, when specifically allowed in the part 36 of the Commission's rules, by direct assignment.

5. The statute requires the Commission to refer to the Federal-State Joint Board on Jurisdictional Separations (Joint Board) proceeding regarding ''the jurisdictional separations of common carrier property and expenses between interstate and intrastate operations'' that the Commission institutes pursuant to a notice of proposed rulemaking. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative, technological, and market changes warranted comprehensive reform of the separations process. The Commission also invited the State

Members of the Joint Board to develop a report that would identify additional issues that should be addressed by the Commission in its comprehensive separations reform effort. The State Members filed a report setting forth additional issues that they believed should be addressed by the Joint Board and proposing an interim freeze, among other things, to reduce the impact of changes in telephone usage patterns and resulting cost shifts from year to year. The Commission noted that the current network infrastructure was vastly different from the network and services used to define the cost categories appearing in the Commission's part 36 rules.

6. On July 21, 2000, the Joint Board issued its 2000 Separations Recommended Decision, recommending that, until comprehensive reform could be achieved, the Commission: (i) freeze part 36 category relationships and jurisdictional allocation factors for incumbent LECs subject to price cap regulation (price cap incumbent LECs); and (ii) freeze the allocation factors for incumbent LECs subject to rate-of-return regulation (rate-of-return incumbent LECs). In the 2001 Separations Freeze Order, the Commission generally adopted the Joint Board's recommendation. The Commission concluded that the freeze would provide stability and regulatory certainty for incumbent LECs by minimizing any impacts on separations results that might occur due to circumstances not contemplated by the Commission's part 36 rules, such as growth in local competition and new technologies. Further, the Commission found that a freeze of the separations process would reduce regulatory burdens on incumbent LECs during the transition from a regulated monopoly to a deregulated, competitive environment in the local telecommunications marketplace. Under the freeze, price cap incumbent LECs calculate: (1) the relationships between categories of investment and expenses within part 32 accounts; and (2) the jurisdictional allocation factors, as of a specific point in time, and then lock or ''freeze'' those category relationships and allocation factors in place for a set period of time. The carriers use the ''frozen'' category relationships and allocation factors for their calculations of separations results and therefore are not required to conduct separations studies for the duration of the freeze. Rate-of-return incumbent LECs are only required to freeze their allocation factors, but were given the option of also freezing their category relationships at the outset of the freeze.

7. The Commission ordered that the freeze would be in effect for a five-year period beginning July 1, 2001, or until the Commission completed comprehensive separations reform, whichever came first. In addition, the Commission stated that, prior to the expiration of the separations freeze, the Commission would, in consultation with the Joint Board, determine whether the freeze period should be extended. The Commission further stated that any decision to extend the freeze beyond the five-year period in the 2001 Separations Freeze Order would be based ''upon whether, and to what extent, comprehensive reform of separations has been undertaken by that time.''

8. On May 16, 2006, in the 2006 Separations Freeze Extension and FNPRM, the Commission extended the freeze for three years or until comprehensive reform could be completed, whichever came first. The Commission concluded that extending the freeze would provide stability to LECs that must comply with the Commission's jurisdictional separations rules pending further Commission action to reform the part 36 rules, and that more time was needed to study comprehensive reform. The freeze was subsequently extended by one year in 2009, 2010, and 2011 and by two years in 2012.

9. When it extended the freeze in 2009, the Commission referred a number of issues to the Joint Board and asked the Joint Board to prepare a recommended decision. The Commission asked the Joint Board to consider comprehensive jurisdictional separations reform, as well as an interim adjustment of the current jurisdictional separations freeze, and whether, how, and when the Commission's jurisdictional separations rules should be modified. On March 30, 2010, the State Members of the Joint Board released a proposal for interim and comprehensive separations reform. The Joint Board sought comment on the proposal. On September 24, 2010, the Joint Board held a roundtable meeting with consumer groups, industry representatives, and state regulators to discuss interim and comprehensive jurisdictional separations reform. The Joint Board staff conducted an extensive analysis of various approaches to separations reform, and the Joint Board is evaluating that analysis.

10. In addition, in 2011, the Commission comprehensively reformed the universal service and intercarrier compensation systems and proposed additional reforms. The Joint Board is considering the impact of the reforms proposed by the *USF/ICC Transformation Order* and any subsequent changes on its analysis of the various approaches to separations reform.

C. Discussion

1. Jurisdictional Separations Freeze Extension

11. We believe that the Commission's fundamental reform of the universal support and intercarrier compensation systems in the *USF/ICC Transformation Order* and the ongoing reform we proposed in the FNPRM significantly affect the Joint Board's analysis of interim and comprehensive separations reform. We therefore propose extending the freeze to allow the Joint Board to consider these recent and proposed reforms before it issues a Recommended Decision. We propose to extend the freeze for three years, through June 30, 2017.

12. We also believe that a three-year freeze extension serves the public interest. The Commission has observed that, if the frozen separations rules were to take effect again, incumbent LECs would be required to reinstitute their separations processes that have not been used since the inception of the freeze more than twelve years ago. Reinstating these requirements would require substantial training and investment. Moreover, given the significant changes in technologies and investment decisions, as well as changes in regulatory approaches at both the State and federal levels, the existing separations rules are likely outdated. We thus question whether reinstating the rules would serve the public interest. The Joint Board on Jurisdictional Separations has a pending referral to consider broadly what changes to the separations rules are appropriate. It will take significant time to address any recommendations that the Joint Board may ultimately propose. We thus believe that a three-year extension is appropriate. We seek comment on these proposals.

13. We seek comment on the effect that our proposal to extend the freeze would have on small entities, and whether any rules that we adopt should apply differently to small entities. We seek comment on the costs and burdens of an extension on small incumbent LECs and whether the extension would disproportionately affect specific types of carriers or ratepayers.

14. We anticipate that extending the jurisdictional separations freeze would provide rate-of-return incumbent LECs with a reasonable methodology to

apportion costs and—due to the burden it would impose on incumbent LECs—would be preferable to allowing the previous separations requirements to resume. We seek comment on this matter. In addition, we propose that the freeze extension be implemented as described in the 2001 Separations Freeze Order. Specifically, price cap incumbent LECs will use the same relationships between categories of investment and expenses within part 32 accounts and the same jurisdictional allocation factors that have been in place since the inception of the current freeze on July 1, 2001. Rate-of-return incumbent LECs will use the same frozen jurisdictional allocation factors, and will (absent a waiver) use the same frozen category relationships if they had opted previously to freeze those. We seek comment on these proposals.

B. Filing Window for Rate-of-Return Incumbent LECs To Petition To Unfreeze Their Cost Category Relationships

15. In 2001, when the Commission initiated the freeze, rate-of-return incumbent LECs were given the option of freezing their cost category relationships. Fewer than 100 rate-of-return incumbent LECs elected to freeze their category relationships. Some of those incumbent LECs have since converted to price cap regulation. Since 2006, four rate-of-return incumbent LECs have sought waivers to unfreeze their category relationships. We granted two waiver petitions and two remain pending.

16. Rate-of-return incumbent LECs that elected to freeze their cost category relationships did so with the expectation that the freeze would likely last only five years. Instead the freeze has remained in effect for 13 years. Since 2006, there have been many changes in technology, customer demand and investment decisions that could not have been anticipated in 2001 when rate-of-return carriers had to decide whether to elect the cost category relationships freeze. In addition, the *USF/ICC Transformation Order* modified rules that affect rate-of-return incumbent LECs' opportunities to recover costs assigned to switched services.

17. We thus recognize that rate-of-return carriers that elected to freeze their cost category relationships did so with the expectation that the election would be limited in duration. Because the freeze has been extended multiple times, those carriers may be at a disadvantage relative to rate-of-return carriers that did not elect the freeze. Based on these facts, we propose to direct the Bureau to provide ''frozen'' rate-of-return incumbent LECs a specific opportunity (a filing window) to request approval to unfreeze their cost category relationships. Such petitions must contain the necessary documentation to support a waiver, including: the unique circumstances of petitioner's service area, such as size and configuration; changes made to petitioner's network since initiation of the 2001 freeze and the reasons for those changes; and demonstration of the impact that a waiver would have on petitioner's rates, revenue recovery and the Universal Service Fund. To prevent overrecovery, the Bureau will also require, as a condition of receiving a waiver, that the carrier file certain revised 2011 rate-of-return Base Period Revenue data reflecting changes in category relationships the carrier makes pursuant to any relief granted. Opening a filing window would permit the Bureau to consider waivers in a consistent and coordinated manner. Carriers would not be required to seek waivers during the window nor barred from filing waivers after the window has closed, but we believe that a filing window would create a more efficient process for all interested parties. We seek comment on this proposal.

II. Procedural Matters

A. Filing Instructions

18. *Comment Filing Procedures.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

19. *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*

20. *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

21. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

22. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

23. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

24. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington DC 20554.

25. *Accessible Formats.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty).

26. *Ex Parte Presentations.* The proceeding this FNPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte

presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

B. Paperwork Reduction Act

27. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

C. Initial Regulatory Flexibility Analysis

28. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Further Notice of Proposed Rulemaking (FNPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the FNPRM provided above. The Commission will send a copy of the FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the FNPRM and the IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

29. In the 1997 Separations Notice, the Commission noted that the network infrastructure by that time had become vastly different from the network and services used to define the cost categories appearing in the Commission's part 36 jurisdictional separations rules, and that the separations process codified in part 36 was developed during a time when common carrier regulation presumed that interstate and intrastate telecommunications service must be provided through a regulated monopoly. Thus, the Commission initiated a proceeding with the goal of reviewing comprehensively the Commission's part 36 procedures to ensure that they meet the objectives of the Telecommunications Act of 1996 (1996 Act). The Commission sought comment on the extent to which legislative changes, technological changes, and market changes might warrant comprehensive reform of the separations process. More than fourteen years have elapsed since the closing of the comment cycle on the 1997 Separations Notice, and over twelve years have elapsed since the imposition of the freeze. The industry has experienced myriad changes during that time, including reform of universal service and intercarrier compensation; therefore, we ask for comment on the impact of a further extension of the freeze.

30. The purpose of the proposed extension of the freeze is to ensure that the Commission's separations rules meet the objectives of the 1996 Act, and to allow the Commission additional time to consider changes that may need to be made to the separations process in light of changes in the law, technology, and market structure of the telecommunications industry.

B. Legal Basis

31. The legal basis for the Further Notice of Proposed Rulemaking is contained in sections 1, 2, 4(i), 201–205, 215, 218, 220, and 410 of the Communications Act of 1934, as amended.

C. Description and Estimate of the Number of Small Entities to Which Rules May Apply

32. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Nationwide, there are a total of approximately 27.9 million small businesses, according to the SBA.

33. *Incumbent Local Exchange Carriers (incumbent LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for providers of incumbent local exchange services. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under the SBA definition, a carrier is small if it has 1,500 or fewer employees. According to the FCC's Telephone Trends Report data, 1,307 incumbent LECs reported that they were engaged in the provision of local exchange services. Of these 1,307 carriers, an estimated 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees. Consequently, the Commission estimates that most incumbent LECs are small entities that may be affected by the rules and policies adopted herein.

34. We have included small incumbent LECs in this RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (e.g., a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. Because our proposals concerning the Part 36 separations process will affect all incumbent LECs providing interstate services, some entities employing 1,500 or fewer employees may be affected by the proposals made in this FNPRM. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

35. None.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

36. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance and reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or part thereof, for small entities.

37. As described above, more than twelve years have elapsed since the imposition of the freeze, thus, we are seeking comment on the impact of a further extension of the freeze. We seek comment on the effects our proposals would have on small entities, and whether any rules that we adopt should apply differently to small entities. We direct commenters to consider the costs and burdens of an extension on small incumbent LECs and whether the extension would disproportionately affect specific types of carriers or ratepayers.

38. We believe that implementation of the proposed freeze extension would ease the administrative burden of regulatory compliance for LECs, including small incumbent LECs. The freeze has eliminated the need for all incumbent LECs, including incumbent LECs with 1,500 employees or fewer, to complete certain annual studies formerly required by the Commission's rules. If an extension of the freeze can be said to have any effect under the RFA, it is to reduce a regulatory compliance burden for small incumbent LECs by relieving these carriers from the burden of preparing separations studies and providing these carriers with greater regulatory certainty.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

39. None.

III. Ordering Clauses

40. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i), 201–205, 215, 218, 220, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201–205, 215, 218, 220, 410, this Further Notice of Proposed Rulemaking *is adopted.*

41. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

42. *It is further ordered,* pursuant to sections 1.4(b)(1) and 1.103(a) of the Commission's rules, 47 CFR 1.4(b)(1), 1.103(a), that this Further Notice of Proposed Rulemaking *shall be effective* on the date of publication in the **Federal Register**.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–07456 Filed 4–1–14; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 3, 12, and 52

[FAR Case 2013–022; Docket No. 2013–0022; Sequence No. 1]

RIN 9000–AM69

Federal Acquisition Regulation; Extension of Limitations on Contractor Employee Personal Conflicts of Interest

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year 2013 to extend the limitations on contractor employee personal conflicts of interest to apply to the performance of all functions that are closely associated with inherently governmental functions and contracts for personal services.

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before June 2, 2014 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2013–022 by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2013–022.'' Select the link ''Comment Now'' that corresponds with ''FAR Case 2013–022.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''FAR Case 2013–022'' on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR Case 2013–022, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Procurement Analyst, at 202–219–0202, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAR Case 2013–022.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are proposing to revise the FAR to implement section 829 of the NDAA for Fiscal Year 2013 (Pub. L. 112–239). Section 829 required the Secretary of Defense to review the guidance on personal conflicts of interest for contractor employees, issued pursuant to section 841(a) of the NDAA for Fiscal Year 2009 (Pub. L. 110–417), in order to determine whether it would be in the best interest of DoD and the taxpayers to extend such guidance to personal conflicts of interest by contractor personnel performing any of the following:

(1) Functions other than acquisition functions that are closely associated with inherently governmental functions (as that term is defined at 10 U.S.C. 2383(b)(3)).

(2) Personal services contracts (as that term is defined in 10 U.S.C. 2330a(g)(5)).

(3) Contracts for staff augmentation services (as that term is defined in section 808(d)(3)) of the NDAA for Fiscal Year 2012 (Pub. L. 112–81).

A. Section 841(a) of the National Defense Authorization Act for Fiscal Year 2008

1. Section 841(a) (now codified at 41 U.S.C. 2303(b)) required the Administrator for Federal Procurement Policy to develop and issue a policy to address personal conflicts of interest for contractor employees who perform acquisition functions closely associated with inherently governmental functions. The final rule to implement section 841(a) in the FAR was published in the **Federal Register** at 76 FR 68017 on November 2, 2011, effective December 2, 2011. The rule added FAR subpart 3.11, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions, and FAR clause 52.203–16, Preventing Personal Conflicts of Interest.

2. Section 841(b) (now codified at 41 U.S.C. 2303 Note) required the Administrator for Federal Procurement Policy, in consultation with the Director of the Office of Government Ethics, to determine whether revisions to the FAR were necessary to address personal conflicts of interest by contractor employees with respect to functions other than those described in section 841(a).

DoD, GSA, and NASA, in consultation with the Office of Federal Procurement Policy (OFPP) and the Office of Government Ethics, published a request for information in the **Federal Register** on November 2, 2011, seeking public comment on whether additional guidance is necessary to address personal conflicts of interest by employees of Government contractors. Only one response was received. The respondent recommended that it was premature at that time to extend the FAR coverage on personal conflicts of interest, because the rule had only been in effect for one month, and was just beginning to be applied to new contracts and task orders.

B. Section 829 of the National Defense Authorization Act for Fiscal Year 2013

The Secretary of Defense reviewed existing FAR guidance on personal conflicts of interest for contractor employees by issuing a data call on February 28, 2013, to the military departments and defense agencies, requesting feedback on the questions posed by section 829. Responses were received from 23 military departments and defense agencies. The majority of the respondents indicated that protection or agreements covering additional functions would be helpful, as would a contractor-managed personal conflicts of interest identification and mitigation program, similar to that required by section 841(a).

Following analysis of the responses received, DoD concluded that extension of the FAR personal conflicts of interest regulations to additional functions and contract types may be in the best interest of DoD and the taxpayers. In a memo dated June 10, 2013, the Deputy Director of Defense Procurement and Acquisition Policy (DPAP) (Contract Policy and International Contracting) requested the Deputy Director Defense Acquisition Regulations System, to open a case to propose regulations relating to prevention of personal conflicts of interest. The memorandum further recommended that DPAP confer with OFPP and the FAR Council to determine whether to pursue such extension of coverage as a FAR change. The FAR signatories agreed to open this FAR case on August 2, 2013.

The FAR coverage of personal conflicts of interest has now been in effect since December 2, 2011, and section 829 did not propose any change to the FAR regulations at subpart 3.11 and section 52.203–16, other than to consider extending the coverage to additional functions and contract types.

II. Discussion and Analysis

A. Proposed Extension of Guidance on Personal Conflicts of Interest

This rule proposes to extend regulations on personal conflicts of interest to contractor employees performing all functions that are closely associated with inherently governmental functions (not just acquisition functions) and to personal services contracts (to the extent such contracts are authorized by law, *e.g.,* legal or medical).

Section 736 of Division D of Pub. L. 111–8 defines ''functions closely associated with inherently governmental functions'' as follows:

''The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.''

The Defense Acquisition Regulations Council and the Civilian Agency Acquisition Council (Councils) welcome comments with regard to the appropriateness and benefits of this proposal, particularly if there are certain functions not currently covered in FAR subpart 3.11 and section 52.203–16 that should definitely be included (or excluded) from the final rule.

The Councils also note that FAR Case 2012–001, Performance of Inherently Governmental Functions and Critical Functions, is currently being processed as a proposed rule to implement the OFPP Policy Letter 11–01, Performance of Inherently Governmental and Critical Functions, issued in the **Federal Register** at 76 FR 56227 on September 12, 2011, which also addresses functions closely associated with inherently governmental functions.

B. Inapplicability to Commercial Items and Below the Simplified Acquisition Threshold

The current FAR regulations on contractor employee personal conflicts of interest do not apply below the simplified acquisition threshold or to acquisitions of commercial items. Section 841(a)(3) specifically stated that the law does not apply to contracts in amounts that do not exceed the simplified acquisition threshold. The final rule under FAR Case 2008–025 added section 841(a) of the NDAA for Fiscal Year 2008 (now codified at 41 U.S.C. 2303(b)) to the list of laws inapplicable to contracts for the acquisition of commercial items (FAR 12.503). This rule does not propose to change the applicability of the regulations on contractor employee personal conflicts of interest to commercial items or acquisitions that do not exceed the simplified acquisition threshold.

C. Further Changes

Section 12.503(a)(9) is amended to clarify and update related citations. Further, corrections are made to the OMB Control Number in section 1.106.

III. Executive Orders 12866 and 13563

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

IV. Regulatory Flexibility Act

DoD, GSA, and the NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Nevertheless, an Initial Regulatory Flexibility Analysis (IRFA) has been prepared and is summarized as follows:

This proposed rule was initiated to amend the FAR to implement section 829 of the NDAA for Fiscal Year 2013 (Pub. L. 112–239), by considering extension of the contractor employees personal conflict of interest limitations at FAR subpart 3.11 (*i.e.,* currently limited to individuals who perform an acquisition function closely associated with inherently governmental functions) to individuals who perform a function closely associated with inherently governmental functions or perform under a personal services contract and are—

(1) An employee of the contractor; or

(2) A subcontractor that is a self-employed individual treated as a covered employee of the contractor because there is no employer to whom such an individual could submit the required disclosures.

By extending contractor employee personal conflict of interest limitations, the proposed rule furthers enforcement of Government policy that requires contractors and subcontractors to: (a) identify and prevent personal conflicts of interest of their covered employees; and (b) prohibit covered employees who have access to non-public information by reason of performance on a Government contract from using such information for personal gain.

Section 829 of the NDAA for Fiscal Year 2013 (Pub. L. 112–239) required the Secretary of Defense to review the guidance on personal conflicts of interest for contractor employees, issued pursuant to section 841(a) of the NDAA for Fiscal Year 2009 (Pub. L. 110–417), in order to determine whether it would be in the best interest of the DoD and the taxpayers to extend such guidance to personal conflicts of interest by contractor personnel performing any of the following:

(1) Functions other than acquisition functions that are closely associated with inherently governmental functions (as that term is defined at 10 U.S.C. 2383(b)(3).

(2) Personal services contracts (as that term is defined in 10 U.S.C. 2330a(g)(5).

(3) Contracts for staff augmentation services (as that term is defined in section 808(d)(3) of the NDAA for Fiscal Year 2012 (Pub. L. 112–81).

The Secretary of Defense reviewed existing FAR guidance on personal conflicts of interest for contractor employees by issuing a data call on February 28, 2013, to the military departments and defense agencies, requesting feedback on the questions posed by section 829. Responses were received from 23 military departments and defense agencies. The majority of the respondents indicated that protection or agreements covering additional functions would be helpful, as would a contractor-managed personal conflicts of interest identification and mitigation program, similar to that required by section 841(a).

Following analysis of the responses received, DoD concluded that extension of the FAR personal conflicts of interest regulations to additional functions may be in the best interest of DoD and the taxpayers. In a memo dated June 10, 2013, the Deputy Director of Defense Procurement and Acquisition Policy (DPAP) (Contract Policy and International Contracting) requested the Deputy Director Defense Acquisition Regulations System, to open a case to propose regulations relating to prevention of personal conflicts of interest. The memorandum further recommended that DPAP confer with OFPP and the FAR Council to determine whether to pursue such extension of coverage as a FAR change. The FAR signatories agreed to open FAR Case 2013–022, Preventing Personal Conflicts of Interest for Contractor Employees, on August 2, 2013.

Under the FAR clause at 52.203–16, as revised in the proposed rule, ''covered employees'' means an individual who performs a function closely associated with inherently governmental functions or performs under a personal services contract and is—

(1) An employee of the contractor; or

(2) A subcontractor that is a self-employed individual treated as a covered employee of the contractor because there is no employer to whom such an individual could submit the required disclosures.

The following estimates are based on data reported to the Federal Procurement Data System (FPDS) between March 1, 2012 and March 1, 2013 (the first year during which such data was available), on contract actions over the simplified acquisition threshold (SAT) coded as being functions closely associated with inherently governmental functions, or personal services contracts (Product Service Code (PSC) R497).

- Between March 1, 2012, and March 1, 2013, a total of 22,716 contract actions over the simplified acquisition threshold were coded as functions closely associated with inherently governmental functions. Of that total, 10,600 actions were awarded to small businesses, and 12,116 actions were awarded to other than small businesses.
- During the same period, a total of 5,369 contract actions exceeding the simplified acquisition threshold were coded with a R497 Product Service Code (PSC), Support-Professional: Personal Services Contracts. Of that total, 2,732 actions were awarded to small businesses, and 2,637 were awarded to other than small businesses.

DoD, GSA, and NASA estimate that the 13,332 actions (10,600 for functions closely associated with inherently governmental functions and 2,732 for personal services contracts) awarded to small business were made to 4,444 unique small business entities (one-third of 13,332).

The clause at FAR 52.203–16 applies to contract actions over the simplified acquisition threshold, and only requires contractors to obtain information from each covered employee on an ''as required basis,'' *i.e.,* (1) when initially assigned to a task that requires a disclosure of interests that might be affected by the task to which the employee has been assigned; and (2) whenever the employee's personal or financial circumstances change in such a way that a new personal conflict of interest might occur because of the task that the covered employee is performing. Other associated information collection is required only to report to the contracting officer any personal conflict of interest violation by a covered employee as soon as it is identified, and, in exceptional circumstances, for the contractor to submit a request, through the contracting officer, for the head of the contracting activity to agree to a plan to mitigate the personal conflict of interest, or waive the requirement to prevent personal conflicts of interest. These requirements apply regardless of the size of the contractor.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no practical alternatives that will accomplish the objectives of the proposed rule.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2013–022), in correspondence.

V. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) applies. The proposed rule contains information collection requirements. Accordingly, the Regulatory Secretariat has submitted a request for approval of a revised information collection requirement concerning OMB clearance number 9000–0183, Preventing Personal Conflicts of Interest for Contractor Employees, to the Office of Management and Budget.

A. Public reporting burden for this collection of information is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden estimated as follows:

Respondents: 188.

Responses per respondent: 1.

Total annual responses: 188.

Preparation hours per response: 30 hours.

Total response burden hours: 5,640.

The annual recordkeeping burden is estimated as follows:

Recordkeepers: 9,361.

Hours per recordkeeper: 59.

Total recordkeeping hours: 552,299.

B. Request for Comments Regarding Paperwork Burden

Submit comments, including suggestions for reducing this burden, not later than June 2, 2014 to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1800 F Street, NW., 2nd Floor, Washington, DC 20405.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and will have practical utility; whether the estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the

quality, utility, and clarity of the information to be collected; and ways in which the Government can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Requesters may obtain a copy of the supporting statement from the General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1800 F Street, NW., 2nd Floor, Washington, DC 20405. Please cite OMB Control Number 9000–0181, Preventing Personal Conflicts of Interest for Contractor Employees, in all correspondence.

List of Subjects in 48 CFR Parts 1, 3, 12, and 52

Government procurement.

Dated: March 27, 2014.

William Clark,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 1, 3, 12, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 3, 12, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106 [Amended]

■ 2. Amend section 1.106 by—

■ a. Removing from FAR segment 3.11, the OMB Control Number ''9000–0181'' and adding ''9000–0183'' in its place; and

■ b. Removing from FAR segment 52.203–16, the OMB Control Number ''9000–0181'' and adding ''9000–0183'' in its place.

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

■ 3. Revise Subpart 3.11 heading to read as follows:

Subpart 3.11—Preventing Personal Conflicts of Interest for Contractor Employees

■ 4. Revise section 3.1100 to read as follows:

3.1100 Scope of subpart.

This subpart implements—

(a) Section 841(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417) (*41 U.S.C. 2303*); and

(b) Section 829 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239).

■ 5. Amend section 3.1101 by—

■ a. Removing the definition ''Acquisition function closely associated with inherently governmental functions''; and

■ b. Revising the introductory text of the definition ''Covered employee''.

The revised text reads as follows:

3.1100 Definitions.

* * * * *

Covered employee means an individual who performs a function closely associated with inherently governmental functions (see subpart 7.5) or performs under a personal services contract (see 37.104) and is—

* * * * *

■ 6. Amend section 3.1103 by revising the introductory text of paragraph (a) to read as follows:

3.1103 Procedures.

(a) By use of the contract clause at 52.203–16, as prescribed at 3.1106, the contracting officer shall require each contractor with at least one covered employee to—

* * * * *

■ 7. Amend section 3.1106 by revising paragraphs (a)(2), (b), and (c) to read as follows:

3.1106 Contract clause.

(a) * * *

(2) Include a requirement for services by contractor employee(s) that are covered employees, *i.e.,* an individual who performs a function closely associated with inherently governmental functions or performs under a personal services contract and is—

(i) An employee of the contractor; or

(ii) A subcontractor that is a self-employed individual treated as a covered employee of the contractor because there is no employer to whom such an individual could submit the required disclosures.

(b) If only a portion of a contract is for the performance of services by covered employees, then the contracting officer shall still insert the clause, but shall limit applicability of the clause to that portion of the contract that is for the performance of such services.

(c) Do not insert the clause in solicitations or contracts with a self-employed individual if the services are to be performed entirely by the self-employed individual, rather than a covered employee of the contractor. In such cases, the contracting officer shall consider these matters as part of the Organizational Conflict of Interest analysis (see subpart 9.5).

PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 8. Amend section 12.503 by revising paragraph (a)(9) to read as follows:

12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.

(a) * * *

(9) 41 U.S.C. 2303(b), Policy on Personal Conflicts of Interest by Contractor Employees and 41 U.S.C. 2303 note (see subpart 3.11).

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 9. Amend section 52.203–16 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a) the definition ''Acquisition function closely associated with inherently governmental functions'';

■ c. Revising the introductory text of the definition ''Covered employee''; and

■ d. Removing from paragraph (d)(2) the word ''acquisition''.

The revised text read as follows:

52.203–16 Preventing Personal Conflicts of Interest.

* * * * *

Preventing Personal Conflicts of Interest (Date)

* * * * *

Covered employee means an individual who performs a function closely associated with inherently governmental functions (see subpart 7.5) or performs under a personal services contract (see 37.104) and is—

* * * * *

[FR Doc. 2014–07371 Filed 4–1–14; 8:45 am]

BILLING CODE 6820–EP–P

Notices

Federal Register

Vol. 79, No. 63

Wednesday, April 2, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Glenn/Colusa County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Glenn/Colusa County Resource Advisory Committee (RAC) will meet in Willows, CA. 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 present, discuss and recommend project.

DATES: The meeting will be held May 19, 2014 from 1:00 p.m. to 4:00 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 Supervisor's Office, Mendocino National Forest, Snow Mountain Conference Room, Willows, CA.

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 Mendocino National Forest, 825 North Humboldt Ave. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Randy Jero, Committee Coordinator by phone at (530) 934–3316 or via email at *rjero@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 accomodation for access to the facility or procedings by contacting the person listed For Further Information.

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/Web_Agendas/902A04121D8DF9E687257CA8005FCCBF?OpenDocument.* 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 May 9, 2014 to be scheduled on the agenda. 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 and requests for time for oral comments must be sent to Randy Jero, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave., Willows, CA 95988; or by email to *rjero@fs.fed.us,* or via facsimile to (530) 934–1212.

Dated: March 27, 2014.

Eduardo Olmedo,

District Ranger.

[FR Doc. 2014–07388 Filed 4–1–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, CA. 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 present, discuss and recommend project.

DATES: The meeting will be held May 15, 2014 from 9:00 a.m. to 12:00 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 Lincoln Street School, The Board Room, 1135 Lincoln Street, Red Bluff, CA.

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 Mendocino National Forest, 825 North Humboldt Ave. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Randy Jero, Committee Coordinator by phone at (530) 934–3316 or via email at *rjero@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 accomodation for access to the facility or procedings by contacting the person listed **FOR FURTHER INFORMATION**.

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/1ac995f3135d6db388256cd8007e7574/c2b9b030d64dcd8287257ca80053896f/*

$FILE/TEHAMA.agenda.05.15.2014.rtf. 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 May 9, 2014 to be scheduled on the agenda. 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 and requests for time for oral comments must be sent to Randy Jero, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave., Willows, CA 95988; or by email to *rjero@fs.fed.us,* or via facsimile to (530) 934–1212.

Dated: March 27, 2014.

Eduardo Olmedo,

District Ranger.

[FR Doc. 2014–07385 Filed 4–1–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers for Publication of Legal Notices in the Northern Region

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Forests, Grasslands, and the Regional Office of the Northern Region to publish legal notices for public comment and decisions subject to predecisional administrative review under 36 CFR parts 218 and 219. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices for public comment or decisions; thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the objection processes.

DATES: Publication of legal notices in the listed newspapers will begin the first day following the date of this publication for projects and plans subject to administrative review. The list of newspapers will remain in effect until another notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Regional Administrative Review Coordinator; Northern Region; P.O. Box 7669; Missoula, Montana 59807. Phone: (406) 329–3381.

The newspapers to be used are as follows:

Northern Region Regional Forester Decisions for:

Montana: The Missoulian, Great Falls Tribune, or The Billings Gazette (depending on plan or project location); Northern Idaho and Eastern Washington: Coeur d'Alene Press and Lewiston Tribune (depending on plan or project location); North Dakota and South Dakota: Bismarck Tribune.

Northern Region Forest Supervisor and District Ranger Decisions for:

Beaverhead/Deerlodge National Forest (NF)—Montana Standard
Bitterroot NF—Ravalli Republic
Custer NF—Billings Gazette (Montana); Rapid City Journal (South Dakota)
Dakota Prairie Grasslands—Bismarck Tribune (North and South Dakota)
Flathead NF—Daily Inter Lake
Gallatin NF—Bozeman Chronicle
Helena NF—Independent Record
Idaho Panhandle NFs—Coeur d'Alene Press
Kootenai NF—Daily Inter Lake
Lewis & Clark NF—Great Falls Tribune
Lolo NF—Missoulian
Nez Perce-Clearwater NFs—Lewiston Tribune

Supplemental notices may be placed in any newspaper, but timeframes/deadlines will be calculated based upon notices in newspapers of record listed above.

Dated: March 24, 2014.

George Bain,

Acting Deputy Regional Forester.

[FR Doc. 2014–07293 Filed 4–1–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service intention to request an extension for a currently approved information collection in support of the Biorefinery Assistance Program (OMB No. 0570–0065).

DATES: Comments on this notice must be received by June 2, 2014.

Additional Information Or Comments: Contact Todd Hubbell, Branch Chief, Energy Division, Repowering Assistance Program, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 6865, Washington, DC 20250. Telephone: 202–690–2516. Email: *Todd.Hubbell@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Biorefinery Assistance Program.

OMB Number: OMB No. 0570–0065.

Expiration Date of Approval: June 30, 2014.

Type of Request: Extension and revision of a currently approved information Collection.

Abstract: The purpose of this program is to provide guaranteed loans for the development and construction of commercial-scale biorefineries or for the retrofitting of existing facilities using eligible technology for the development of advanced biofuels.

Estimate of Burden:

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent: 30.14.

Estimated Number of Responses: 1,507.

Estimated Total Annual Burden on Respondents: 6,336 Hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Division, at (202) 692–0040.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of the RBS' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or forms of information technology. Comments may be sent to Jeanne Jacobs, Regulation and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 26, 2014.

Lillian Salerno,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2014–07296 Filed 4–1–14; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service intention to request an extension for a currently approved information collection in support of the Repowering Assistance Program (OMB No. 0570–0066).

DATES: Comments on this notice must be received by June 2, 2014.

Additional Information Or Comments: Contact Todd Hubbell, Branch Chief, Energy Division, Repowering Assistance Program, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 6865, Washington, DC 20250. Telephone: 202–690–2516. Email: *Todd.Hubbell@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Repowering Assistance Program.

OMB Number: OMB No. 0570–0066.

Expiration Date of Approval: June 30, 2014.

Type of Request: Extension and revision of a currently approved information Collection.

Abstract: Authorized under Section 9004 of the Food, Conservation, and Energy Act of 2008, the purpose of this program is to provide financial incentives to biorefineries to replace the use of fossil fuels used to produce heat or power at their facilities by installing new systems that use renewable biomass, or to produce new energy from renewable biomass.

Estimate of Burden:

Estimated Number of Respondents: 7.

Estimated Number of Responses per Respondent: 10.

Estimated Number of Responses: 70.

Estimated Total Annual Burden on Respondents: 602 Hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Division, at (202) 692–0040.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of the RBS' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or forms of information technology. Comments may be sent to Jeanne Jacobs, Regulation and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 27, 2014.

Lillian Salerno,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2014–07297 Filed 4–1–14; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–102–2013]

Foreign-Trade Zone 20—Suffolk, Virginia, Authorization of Production Activity, Canon Virginia, Inc. (Toner Cartridges, Toner Bottles and Cartridge Parts), Newport News, Virginia

On November 27, 2013, Canon Virginia, Inc. submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within Subzone 20D, in Newport News, Virginia.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 73824–73825, 12–09–2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: March 27, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–07406 Filed 4–1–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–31–2014]

Foreign-Trade Zone (FTZ) 119—Minneapolis, Minnesota; Notification of Proposed Production Activity; The Coleman Company, Inc. (Textile-Based Personal Flotation Devices); Sauk Rapids, Minnesota

The Coleman Company, Inc. (Coleman), operator of FTZ 119, submitted a notification of proposed production activity for its facility located in Sauk Rapids, Minnesota. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 13, 2014.

The Coleman facility is located at 1100 Stearns Drive, Sauk Rapids, Minnesota. A separate application for subzone designation at the Coleman facility has been submitted and will be processed under Section 400.25 of the FTZ Board's regulations. The facility is used for the production of personal flotation devices and cushions constructed with textile fabrics. Pursuant to 15 CFR 400.14(b) of the regulations, FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Coleman from customs duty payments on foreign status components used in export production. On its domestic sales, Coleman would be able to choose the duty rates during customs entry procedures that apply to personal flotation devices (4.5%, 7.0%) and flotation cushions (6.0%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: Plastic buckles; carrying bags of plastic and textile materials; woven nylon fabrics; woven polyester fabrics; woven fabrics of synthetic yarns; knit fabrics of elastomeric yarns; neoprene fabrics; webbing of man-made fibers; and, polyvinyl chloride foam (duty rate ranges from 5.3% to 20%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is May 12, 2014.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For Further Information Contact: Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: March 26, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–07410 Filed 4–1–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–840, A–549–822]

Certain Frozen Warmwater Shrimp From India and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews

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

ACTION: Notice.

SUMMARY: The Department of Commerce (the Department) received requests to conduct administrative reviews of the antidumping duty orders on certain frozen warmwater shrimp (shrimp) from India and Thailand for the period February 1, 2013 through January 31, 2014. The anniversary month of these orders is February. In accordance with the Department's regulations, we are initiating these administrative reviews. The Department also received a request to defer the initiation of the administrative review for the order on shrimp from Thailand with respect to various Thai companies.

DATES: *Effective:* April 2, 2014.

FOR FURTHER INFORMATION CONTACT: David Crespo at (202) 482–3693 (India) and Dennis McClure (202) 482–5973 (Thailand), 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.

SUPPLEMENTARY INFORMATION:

Background

During the anniversary month of February 2014, the Department received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of the antidumping duty orders on shrimp from India and Thailand from the Ad Hoc Shrimp Trade Action Committee (hereinafter, the petitioner), the American Shrimp Processors Association (ASPA), and certain individual companies.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Request To Defer Review

In their requests for administrative review, various Thai companies requested that the Department defer the initiation of the review for one year, pursuant to 19 CFR 351.213(c). These companies are identified by a * in the ''Initiation of Reviews'' section of this notice, below. None of the parties provided any justification for their deferral request.

The Department's regulations, as set forth in 19 CFR 351.213(c)(1)(i) and (ii), provide that the Department may defer the initiation of an antidumping duty administrative review, in whole or in part, for one year if: (1) The request for review was accompanied by a request to defer the review; and (2) neither the exporter or producer for which the deferral is requested, the importer of subject merchandise from that exporter or producer, or a domestic interested party objects to the deferral. The Department received no objections to this request from any party cited in 19 CFR 351.213(c)(1)(ii).

The preamble to the Department's regulations states that the Department established the provision for deferring the initiation of an administrative review, in part, to reduce burdens on the Department.[1] We believe that deferring the instant review is not likely to save Departmental resources because it is likely that, in this review, as in every prior administrative review of this Thai order, the Department will find it necessary to limit the number of respondents examined.[2] Accordingly, even if the Department defers the administrative review for these companies, it will likely still review the same number of respondents, *i.e.,* the maximum number of respondents which our resources will permit. Therefore, we have not deferred the instant review for any companies requesting deferral with respect to the order on shrimp from Thailand.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify the Department within 60 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://iaaccess.trade.gov* in accordance with 19 CFR 351.303.[3] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review.

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of these antidumping proceedings (*i.e.,* investigation, administrative review, or changed circumstances review). For any

[1] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27317 (May 19, 1997).

[2] *See, e.g., Initiation of Administrative Review of the Antidumping Duty Order on Wooden Bedroom Furniture From the People's Republic of China,* 76 FR 10880, 10882 (Feb. 28, 2011).

[3] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

company subject to these reviews, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Requests for Reviews of Non-Shrimp Producers/Exporters

In the 2011–2012 administrative review of shrimp from Thailand, the Department found that Kosamut Frozen Foods Co., Ltd. (Kosamut) and Tanaya International Co., Ltd./Tanaya Intl (collectively, Tanaya), were neither exporters nor producers of the subject merchandise, as defined in 19 CFR sections 351.213(b) and 351.102(b)(29)(i). Accordingly, we rescinded the review for these companies, pursuant to 19 CFR 351.213(d)(3).[4] Therefore, based upon that determination, we are not initiating an administrative review with respect to Kosamut or Tanaya for the current POR absent specific information that the companies at issue are exporters or producers of the subject merchandise.

Moreover, in the 2012–2013 administrative review of shrimp from Thailand, GSE Lining Technology Co., Ltd. (GSE) notified the Department that it was a manufacturer of geosynthetic liners, not a producer or exporter of shrimp, and that it has never made shipments of subject merchandise to the United States.[5] Therefore, based upon this information, we are not initiating an administrative review with respect to GSE for the current POR.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the antidumping duty orders on shrimp from India and Thailand. We intend to issue the final results of these reviews not later than March 7, 2015.

	Period to be reviewed
Antidumping Duty Proceedings	
India: Certain Frozen Warmwater Shrimp, A–533–840	2/1/13—1/31/14
Abad Fisheries	
Accelerated Freeze-Drying Co.	
Adilakshmi Enterprises	
Akshay Food Impex Private Limited	
Allana Frozen Foods Pvt. Ltd.	
Allanasons Ltd.	
AMI Enterprises	
Amulya Seafoods	
Anand Aqua Exports	
Ananda Aqua Applications/Ananda Aqua Exports (P) Limited/Ananda Foods	
Ananda Enterprises (India) Private Limited	
Andaman Sea Foods Pvt. Ltd.	
Angelique Intl	
Anjaneya Seafoods	
Apex Frozen Foods Private Limited[6]	
Arvi Import & Export	
Asvini Exports	
Asvini Fisheries Private Limited	
Avanti Feeds Limited	
Ayshwarya Seafood Private Limited	
Baby Marine Exports	
Baby Marine International	
Baby Marine Sarass	
Balasore Marine Exports Private Limited	
Bhatsons Aquatic Products	
Bhavani Seafoods	
Bijaya Marine Products	
Blue Fin Frozen Foods Pvt. Ltd.	
Blue Water Foods & Exports P. Ltd.	
Bluefin Enterprises	
Bluepark Seafoods Private Ltd.	
BMR Exports	
Britto Exports	
C P Aquaculture (India) Ltd.	
Calcutta Seafoods Pvt. Ltd.	

[4] *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, 42498 (July 16, 2013).

[5] *See* the memorandum to the file from Alice Maldonado entitled, ''Placing Information on the Record of the 2013–2014 Administrative Review of Certain Frozen Warmwater Shrimp From Thailand,'' dated concurrently with this notice.

	Period to be reviewed
Canaan Marine Products	
Capithan Exporting Co.	
Castlerock Fisheries Ltd.	
Chemmeens (Regd)	
Cherukattu Industries (Marine Div.)	
Choice Canning Company	
Choice Trading Corporation Private Limited	
Coastal Aqua	
Coastal Corporation Ltd.	
Cochin Frozen Food Exports Pvt. Ltd.	
Coreline Exports	
Corlim Marine Exports Pvt. Ltd.	
D2 D Logistics Private Limited	
Damco India Private Limited	
Delsea Exports Pvt. Ltd.	
Devi Fisheries Limited/Satya Seafoods Private Limited/Usha Seafoods	
Devi Marine Food Exports Private Ltd./Kader Exports Private Limited/Kader Investment and Trading Company Private Limited/Liberty Frozen Foods Pvt. Ltd./Liberty Oil Mills Ltd./Premier Marine Products/Universal Cold Storage Private Limited	
Diamond Seafoods Exports/Edhayam Frozen Foods Pvt. Ltd./Kadalkanny Frozen Foods/Theva & Company	
Devi Sea Foods Limited [7]	
Digha Seafood Exports	
Esmario Export Enterprises	
Exporter Coreline Exports	
Falcon Marine Exports Limited/K.R. Enterprises	
Five Star Marine Exports Private Limited	
Forstar Frozen Foods Pvt. Ltd.	
Frontline Exports Pvt. Ltd.	
G A Randerian Ltd.	
Gadre Marine Exports	
Galaxy Maritech Exports P. Ltd.	
Gayatri Seafoods	
Geo Aquatic Products (P) Ltd.	
Geo Seafoods	
Goodwill Enterprises	
Grandtrust Overseas (P) Ltd.	
GVR Exports Pvt. Ltd.	
Haripriya Marine Export Pvt. Ltd.	
Harmony Spices Pvt. Ltd.	
HIC ABF Special Foods Pvt. Ltd.	
Hindustan Lever, Ltd.	
Hiravata Ice & Cold Storage	
Hiravati Exports Pvt. Ltd.	
Hiravati International P. Ltd. (located at APM—Mafco Yard, Sector—18, Vashi, Navi, Mumbai—400 705, India)	
Hiravati International Pvt. Ltd. (located at Jawar Naka, Porbandar, Gujarat, 360 575, India)	
IFB Agro Industries Ltd.	
Indian Aquatic Products	
Indo Aquatics	
Innovative Foods Limited	
International Freezefish Exports	
Interseas	
ITC Limited, International Business	
ITC Ltd.	
Jagadeesh Marine Exports	
Jaya Satya Marine Exports	
Jaya Satya Marine Exports Pvt. Ltd.	
Jayalakshmi Sea Foods Private Limited	
Jinny Marine Traders	
Jiya Packagings	
K R M Marine Exports Ltd.	
K V Marine Exports	
Kalyan Aqua & Marine Exports India Pvt. Ltd.	
Kalyanee Marine	
Kanch Ghar	
Kay Kay Exports	
Kings Marine Products	
KNC Agro Pvt. Ltd	
Koluthara Exports Ltd.	
Konark Aquatics & Exports Pvt. Ltd.	
Landauer Ltd.	
Libran Cold Storages (P) Ltd.	
Lighthouse Trade Links Pvt. Ltd.	
Magnum Estates Limited	

	Period to be reviewed
Magnum Export	
Magnum Sea Foods Limited	
Malabar Arabian Fisheries	
Malnad Exports Pvt. Ltd.	
Mangala Marine Exim India Pvt. Ltd.	
Mangala Sea Products	
Mangala Seafoods	
Meenaxi Fisheries Pvt. Ltd.	
MSC Marine Exporters	
MSRDR Exports	
MTR Foods	
N.C. John & Sons (P) Ltd	
Naga Hanuman Fish Packers	
Naik Frozen Foods Private Limited	
Naik Seafoods Ltd.	
Navayuga Exports	
Nekkanti Sea Foods Limited	
Nezami Rekha Sea Food Private Limited	
NGR Aqua International	
Nila Sea Foods Pvt. Ltd.	
Nine Up Frozen Foods	
Nutrient Marine Foods Limited	
Overseas Marine Export	
Paragon Sea Foods Pvt. Ltd.	
Parayil Food Products Pvt. Ltd.	
Penver Products Pvt. Ltd.	
Pesca Marine Products Pvt. Ltd.	
Pijikay International Exports P Ltd.	
Pisces Seafood International	
Premier Exports International	
Premier Marine Foods	
Premier Seafoods Exim (P) Ltd.	
R V R Marine Products Limited	
Raa Systems Pvt. Ltd.	
Raju Exports	
Ram's Assorted Cold Storage Ltd.	
Raunaq Ice & Cold Storage	
Raysons Aquatics Pvt. Ltd.	
Razban Seafoods Ltd.	
RBT Exports	
RDR Exports	
Riviera Exports Pvt. Ltd.	
Rohi Marine Private Ltd.	
S & S Seafoods	
S. A. Exports	
S Chanchala Combines	
Safa Enterprises	
Sagar Foods	
Sagar Grandhi Exports Private Limited	
Sagar Samrat Seafoods	
Sagarvihar Fisheries Pvt. Ltd.	
Sai Marine Exports Pvt. Ltd.	
Sai Seafoods	
Sanchita Marine Products Private Limited	
Sandhya Aqua Exports	
Sandhya Aqua Exports Pvt. Ltd.	
Sandhya Marines Limited	
Santhi Fisheries & Exports Ltd.	
Sarveshwari Exports	
Satya Seafoods Private Limited	
Sawant Food Products	
Sea Foods Private Limited	
Seagold Overseas Pvt. Ltd.	
Selvam Exports Private Limited	
Sharat Industries Ltd.	
Shimpo Exports Pvt. Ltd.	
Shippers Exports	
Shiva Frozen Food Exp. Pvt. Ltd.	
Shree Datt Aquaculture Farms Pvt. Ltd.	
Shroff Processed Food & Cold Storage P Ltd.	
Silver Seafood	
Sita Marine Exports	
Sowmya Agri Marine Exports	

	Period to be reviewed
Sprint Exports Pvt. Ltd.	
Sri Chandrakantha Marine Exports	
Sri Sakkthi Cold Storage	
Sri Sakthi Marine Products P Ltd.	
Sri Satya Marine Exports	
Sri Venkata Padmavathi Marine Foods Pvt. Ltd.	
Srikanth International	
SSF Ltd.	
Star Agro Marine Exports Private Limited	
Star Organic Foods Incorporated	
Sun-Bio Technology Ltd.	
Supran Exim Private Limited	
Suryamitra Exim Pvt. Ltd.	
Suvarna Rekha Exports Private Limited	
Suvarna Rekha Marines P Ltd.	
TBR Exports Pvt Ltd.	
Teekay Marine P. Ltd.	
Tejaswani Enterprises	
The Waterbase Ltd.	
Triveni Fisheries P Ltd.	
Uniloids Biosciences Private Limited	
Uniroyal Marine Exports Ltd.	
Unitriveni Overseas	
Usha Seafoods	
V.S Exim Pvt Ltd.	
Vasista Marine	
Veejay Impex	
Victoria Marine & Agro Exports Ltd.	
Vinner Marine	
Vishal Exports	
Wellcome Fisheries Limited	
West Coast Frozen Foods Private Limited	
Z A Sea Foods Pvt. Ltd.	
Thailand: Certain Frozen Warmwater Shrimp, A–549–822	2/1/13–1/31/14
A Foods 1991 Co., Limited/May Ao Foods Co., Ltd.[8]*	
A. Wattanachai Frozen Products Co., Ltd.*	
A.P. Frozen Foods Co., Ltd.*	
A.S. Intermarine Foods Co., Ltd.	
ACU Transport Co., Ltd.	
Ampai Frozen Foods Co., Ltd.*	
Anglo-Siam Seafoods Co., Ltd.	
Apex Maritime (Thailand) Co., Ltd.	
Apitoon Enterprise Industry Co., Ltd.	
Applied DB Ind.	
Asian Seafood Coldstorage (Sriracha)*	
Asian Seafoods Coldstorage Public Co., Ltd./Asian Seafoods Coldstorage (Suratthani) Co., Limited/STC Foodpak Ltd.*[9]	
Assoc. Commercial Systems	
B.S.A. Food Products Co., Ltd.	
Bangkok Dehydrated Marine Product Co., Ltd.	
C Y Frozen Food Co., Ltd.	
C.P. Mdse	
C.P. Merchandising Co., Ltd.*	
CP Retailing and Marketing Co., Ltd.	
C.P. Intertrade Co. Ltd.*	
Calsonic Kansei (Thailand) Co., Ltd.	
Century Industries Co., Ltd.	
Chaivaree Marine Products Co., Ltd.	
Chaiwarut Company Limited	
Charoen Pokphand Foods Public Co., Ltd.*	
Charoen Pokphand Petrochemical Co., Ltd.*	
Chonburi LC	
Chue Eie Mong Eak	
Commonwealth Trading Co., Ltd.	
Core Seafood Processing Co., Ltd.	
CPF Food Products Co., Ltd.*	
Crystal Frozen Foods Co., Ltd. and/or Crystal Seafood*	
Daedong (Thailand) Co. Ltd.	
Daiei Taigen (Thailand) Co., Ltd.	
Daiho (Thailand) Co., Ltd.	
Dynamic Intertransport Co., Ltd.	
Earth Food Manufacturing Co., Ltd.	
F.A.I.T. Corporation Limited	
Far East Cold Storage Co., Ltd.	

	Period to be reviewed
Findus (Thailand) Ltd.	
Fortune Frozen Foods (Thailand) Co., Ltd.*	
Frozen Marine Products Co., Ltd.	
Gallant Ocean (Thailand) Co., Ltd.*	
Gallant Seafoods Corporation	
Global Maharaja Co., Ltd.	
Golden Sea Frozen Foods Co., Ltd.*	
Golden Thai Imp. & Exp. Co., Ltd.	
Good Fortune Cold Storage Co. Ltd.*	
Good Luck Product Co., Ltd.*	
Grobest Frozen Foods Co., Ltd.	
Gulf Coast Crab Intl.	
H.A.M. International Co., Ltd.	
Haitai Seafood Co., Ltd.	
Handy International (Thailand) Co., Ltd.	
Heng Seafood Limited Partnership	
Heritrade	
HIC (Thailand) Co., Ltd.	
High Way International Co., Ltd.	
I.S.A. Value Co., Ltd.*	
I.T. Foods Industries Co., Ltd.*	
Inter-Oceanic Resources Co., Ltd.*	
Inter-Pacific Marine Products Co., Ltd.*	
K & U Enterprise Co., Ltd.*	
K Fresh	
K. D. Trading Co., Ltd.	
K.L. Cold Storage Co., Ltd.	
KF Foods Ltd.*	
Kiang Huat Sea Gull Trading Frozen Food Public Co., Ltd.*	
Kibun Trdg.	
Kingfisher Holdings Ltd.*	
Kitchens of the Oceans (Thailand) Company, Ltd.*	
Klang Co., Ltd.	
Kongphop Frozen Foods Co., Ltd.*	
Lee Heng Seafood Co., Ltd.*	
Leo Transports	
Li-Thai Frozen Foods Co., Ltd.	
Lucky Union Foods Co., Ltd.*	
Maersk Line	
Magnate & Syndicate Co., Ltd.	
Mahachai Food Processing Co., Ltd.	
Marine Gold Products Ltd.[10]	
Merit Asia Foodstuff Co., Ltd.	
Merkur Co., Ltd.	
Ming Chao Ind Thailand	
N&N Foods Co., Ltd.	
N.R. Instant Produce Co., Ltd.	
Namprik Maesri Ltd. Part.	
Narong Seafood Co., Ltd.*	
Nongmon SMJ Products	
Ongkorn Cold Storage Co., Ltd./Thai-Ger Marine Co., Ltd.*	
Pacific Queen Co., Ltd.	
Pakfood Public Company Limited/Asia Pacific (Thailand) Co., Ltd./Chaophraya Cold Storage Co., Ltd./Okeanos Co., Ltd./Okeanos Food Co., Ltd./Takzin Samut Co., Ltd.*	
Pakpanang Coldstorage Public Co., Ltd.*	
Penta Impex Co., Ltd.	
Pinwood Nineteen Ninety Nine	
Piti Seafood Co., Ltd.*	
Premier Frozen Products Co., Ltd.	
Preserved Food Specialty Co., Ltd.	
Queen Marine Food Co., Ltd.	
Rayong Coldstorage (1987) Co., Ltd.	
S&D Marine Products Co., Ltd.*	
S&P Aquarium	
S&P Syndicate Public Company Ltd.	
S. Chaivaree Cold Storage Co., Ltd.	
S. Khonkaen Food Industry Public Co., Ltd. and/or S. Khonkaen Food Ind. Public	
S.K. Foods (Thailand) Public Co. Limited	
Samui Foods Company Limited	
SB Inter Food Co., Ltd.	
SCT Co., Ltd.	
Sea Bonanza Food Co., Ltd.	
SEA NT'L CO., LTD.	

	Period to be reviewed
Seafoods Enterprise Co., Ltd.	
Seafresh Fisheries/Seafresh Industry Public Co., Ltd.*	
Search and Serve	
Sethachon Co., Ltd.*	
Shianlin Bangkok Co., Ltd.	
Shing Fu Seaproducts Development Co.*	
Siam Food Supply Co., Ltd.	
Siam Haitian Frozen Food Co., Ltd.*	
Siam Intersea Co., Ltd.*	
Siam Marine Products Co. Ltd.	
Siam Ocean Frozen Foods Co. Ltd.*	
Siamchai International Food Co., Ltd.	
Smile Heart Foods Co. Ltd.	
SMP Food Products, Co., Ltd.*	
Soctrang Seafood JSC	
Southport Seafood Co., Ltd.*	
Star Frozen Foods Co., Ltd.	
Starfoods Industries Co., Ltd.*	
Suntechthai Intertrading Co., Ltd.	
Surapon Foods Public Co., Ltd./Surat Seafoods Public Co., Ltd.*	
Surapon Nichirei Foods Co., Ltd.*	
Suratthani Marine Products Co., Ltd.*	
Suree Interfoods Co., Ltd.	
T.S.F. Seafood Co., Ltd.	
Tep Kinsho Foods Co., Ltd.*	
Teppitak Seafood Co., Ltd.	
Tey Seng Cold Storage Co., Ltd.*	
Thai Agri Foods Public Co., Ltd.	
Thai Hanjin Logistics Co., Ltd.	
Thai Mahachai Seafood Products Co., Ltd.*	
Thai Ocean Venture Co., Ltd.	
Thai Patana Frozen	
Thai Prawn Culture Center Co., Ltd.	
Thai Royal Frozen Food Co., Ltd.*	
Thai Spring Fish Co., Ltd.*	
Thai Union Frozen Products Public Co., Ltd./Thai Union Seafood Co., Ltd.*	
Thai Union Manufacturing Company Limited*	
Thai World Import and Export Co., Ltd.	
Thai Yoo Ltd., Part.	
The Siam Union Frozen Foods Co., Ltd.*	
The Union Frozen Products Co., Ltd./Bright Sea Co., Ltd.*	
Trang Seafood Products Public Co., Ltd.	
Transamut Food Co., Ltd.*	
Tung Lieng Tradg	
United Cold Storage Co., Ltd.	
UTXI Aquatic Products Processing Company	
V. Thai Food Product Co., Ltd.	
Wann Fisheries Co., Ltd.*	
Xian-Ning Seafood Co., Ltd.*	
Yeenin Frozen Foods Co., Ltd.*	
YHS Singapore Pte	
ZAFCO TRDG	

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (Jan. 22, 2008). Those procedures apply to the administrative reviews included in this notice of initiation. Parties wishing to participate in either of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

[6] On December 11, 2012, the Department determined that Apex Frozen Foods Private Limited is the successor-in-interest to Apex Exports. *See Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From India.* 77 FR 73619 (Dec. 11, 2012).

[7] Shrimp produced and exported by Devi Sea Foods (Devi) was excluded from this order effective February 1, 2009. *See Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part,* 75 FR 41813, 41814 (July 19, 2010). Accordingly, we are initiating this administrative review with respect to Devi only for shrimp produced in India where Devi acted as either the manufacturer or exporter (but not both).

[8] On December 1, 2010, the Department found that A Foods 1991 Co., Limited is the successor-in-interest to May Ao Company Limited. *See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from Thailand,* 75 FR 74684 (Dec. 1, 2010). Because the effective date of this determination is during a prior POR, we included only A Foods 1991 Co., Limited for purposes of initiation.

[9] The request for deferral only covered Asian Seafoods Coldstorage Public Co., Ltd. and Asian Seafoods Coldstorage (Suratthani) Co., Limited.

[10] Shrimp produced and exported by Marine Gold Products Ltd. (Marine Gold) was excluded from this order effective February 1, 2012. *See Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review, and*

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) other data or statements of facts; (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these segments.

Any party submitting factual information in an antidumping duty proceeding must certify to the accuracy and completeness of that information.[11] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[12] The Department intends to reject factual submissions in these administrative reviews if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping duty proceedings.[13] The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning U.S. Customs and Border Protection data; and (4) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these administrative reviews.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: March 28, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–07404 Filed 4–1–14; 8:45 am]

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Revocation of Order (in Part) 2011–2012, 78 FR 42497, 42499 (July 16, 2013). Accordingly, we are initiating this administrative review with respect to Marine Gold only for shrimp produced in Thailand where Marine Gold acted as either the manufacturer or exporter (but not both).

[11] *See* section 782(b) of the Act.

[12] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[13] *See Extension of Time Limits: Final Rule,* 78 FR 57790 (September 20, 2013).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD204

Reestablishment of the Marine Fisheries Advisory Committee

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

ACTION: Notice of advisory committee reestablishment.

SUMMARY: Notice is hereby given that the Secretary of Commerce has determined that the reestablishment of the Marine Fisheries Advisory Committee is necessary and in the public interest. Accordingly, the National Marine Fisheries Service has chartered the Marine Fisheries Advisory Committee (MAFAC). The charter for the MAFAC expired on January 18, 2014 while its renewal was in process.

FOR FURTHER INFORMATION CONTACT: Mark Holliday, MAFAC Executive Director; (301) 427–8004; email: *Mark.Holliday@noaa.gov.*

SUPPLEMENTARY INFORMATION: MAFAC will advise NOAA and Commerce on short- and long-range strategies for rebuilding and managing the sustained use of living marine resources and recovering and protecting endangered and protected marine species to meet the needs of commercial and recreational fisheries, and environmental, State, consumer, academic, tribal, and other national interests. MAFAC members will help identify common ground on controversial matters of policy and science. The Committee's expertise and diversity are not found in any Commerce component, or in any other Federal Advisory Committee.

The MAFAC will function solely as an advisory body and in compliance with provisions of the Federal Advisory Committee Act. Copies of the charter will be filed with the appropriate Committees of the Congress and with the Library of Congress.

Dated: March 28, 2014

Paul Doremus,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 2014–07377 Filed 4–1–14; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 0810061318–4050–02]

RIN 0648 –XL10

Endangered and Threatened Wildlife and Plants; Endangered Species Act Listing Determination for Southeast Alaska Pacific Herring

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

ACTION: Notice of a listing determination; availability of status review report.

SUMMARY: We, NMFS, have completed a comprehensive status review of the Southeast Alaska Distinct Population Segment (DPS) of Pacific herring (*Clupea pallasii*) under the Endangered Species Act (ESA). Based upon the best scientific and commercial data available, we conclude that listing the Southeast Alaska DPS of Pacific herring is not warranted at this time. We also announce the availability of the status review report.

DATES: This finding is made as of April 2, 2014.

ADDRESSES: The Status Review of Southeast Alaska Pacific Herring, Extinction Risk Analysis report, as well as this listing determination, can be obtained via the internet at *http://alaskafisheries.noaa.gov/* or from Kate Savage, NMFS Alaska Region, Protected Resources Division, P.O. Box 21668, Juneau, AK 99802–1668.

FOR FURTHER INFORMATION CONTACT: Kate Savage, NMFS Alaska Region, (907) 586–7312; Jon Kurland, NMFS Alaska Region, (907) 586–7638; or Dwayne Meadows, NMFS Office of Protected Resources, (301) 427–8403.

SUPPLEMENTARY INFORMATION:

Background

On April 2, 2007, we received a petition from the Juneau Group of the Sierra Club to list the Lynn Canal stock of Pacific herring as a threatened or endangered species under the ESA and to designate critical habitat. We determined that the petition presented substantial information indicating that the petitioned action may be warranted and published a 90-day finding (72 FR51619; September 10, 2007) that initiated a status review. We convened a Biological Review Team (BRT) composed of Federal scientists with expertise in Pacific herring biology and ecology to conduct the status review. The BRT reviewed existing research and information, including both published and unpublished literature and data on herring stocks throughout the eastern North Pacific. Based on information contained in the status review report produced by the BRT, we published a finding (73 FR 19824; April 11, 2008) that listing the Lynn Canal Pacific herring as threatened or endangered under the ESA was not warranted because the population does not constitute a listable entity (species, subspecies, or DPS) under the ESA. We concluded that the Lynn Canal Pacific herring stock is part of a larger Southeast Alaska DPS, extending from Dixon Entrance in the south, where the Southeast Alaska stock is genetically distinguished from the British Columbia stock, to Cape Fairweather and Icy Point in the north, where the stock is limited by physical and ecological barriers. We further concluded that the DPS to which Lynn Canal Pacific herring belong should be considered a candidate species under the ESA. Consequently, we initiated a status review of the Southeast Alaska DPS and published a request for information, data, and comments pertinent to a risk assessment (73 FR 66031; November 6, 2008).

Listing Determinations Under the ESA

Two key tasks are associated with conducting an ESA status review. The first is to identify the taxonomic group under consideration, and the second is to conduct an extinction risk assessment to determine whether the species, subspecies, or DPS is threatened or endangered.

Section 3 of the ESA defines a ''species'' as ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' Section 3 of the ESA further defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, we interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened). The determination of whether a species should be listed as endangered or threatened must be based solely on the best scientific and commercial data available.

NMFS and the U.S. Fish and Wildlife Service (USFWS) have a joint policy on recognizing distinct vertebrate population segments to outline the principles for identifying and managing a DPS under the ESA (61 FR 47222; February 7, 1996). Under the DPS policy, both the discreteness and significance of a population segment in relation to the remainder of the species to which it belongs must be evaluated. A population segment of a vertebrate species may be considered discrete if it satisfies any one of the following conditions:

(1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation.

(2) It is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the Act.

If a population segment is discrete, we will evaluate its biological and ecological significance in light of Congressional guidance (see Senate Report 151, 96th Congress, 1st Session) that the authority to list DPSs be used ''sparingly'' while encouraging the conservation of genetic diversity. The significance consideration may include, but is not limited to, the following:

(1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon,

(2) Evidence that loss of the discrete population segment would result in a significant gap in the range of a taxon,

(3) Evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range, or

(4) Evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics.

Following the delineation of the species, the extinction risk assessment must be of sufficient scope and depth for us to determine whether the species is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. Based on the information below, the foreseeable future in this case was determined to be approximately 3 generations or about 30 years for herring, as equivalent to the time frame over which predictions in making determinations about the future conservation status of the species can be reasonable relied upon (NMFS 2013). There are many possible quantitative and qualitative approaches to assessing extinction risk. Regardless of the approach, an extinction risk analysis for potential ESA listing must include an analysis of whether a species is threatened or endangered because of any one or a combination of the following ESA section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; or other natural or human-made factors affecting its continued existence. An extinction risk analysis also usually includes an analysis of demographic trends, if available, of the species relative to identified threats. Threats to a species' long-term persistence are manifested demographically as trends in abundance, productivity, spatial structure, diversity, and/or other relevant factors. Trends in these parameters may provide the most direct indices or proxies of extinction risk.

On December 16, 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review (Bulletin) establishing minimum peer review standards, a transparent process for public disclosure of peer review planning, and opportunities for public participation. The OMB Bulletin, implemented under the Information Quality Act (Public Law 106–554), is intended to enhance the quality and credibility of scientific information disseminated by the Federal Government, and applies to influential and highly influential scientific information disseminated on or after June 16, 2005. The status review for Pacific herring qualifies as influential scientific information. To satisfy our requirements under the OMB Bulletin, we obtained independent peer review of the status review from three peer reviewers. Their comments were incorporated in the final version of the status review report.

Species Information and Delineation

We developed a status review report for the Southeast Alaska DPS of Pacific herring. The report (NMFS, 2014) is a compilation of the best scientific and commercial data available concerning the status of Pacific herring in Southeast Alaska, including identification and assessment of the past, present, and foreseeable threats to the species, as well as taxonomy, life history, and ecology of Pacific herring. Numerous fishery scientists and managers provided information that aided in preparation of the status review report. Below we summarize the key life history and species information from the status review report (NMFS, 2014).

Pacific herring are a small, mobile, planktivorous forage fish belonging to the Clupeidae family. The range of Pacific herring includes coastal regions along the eastern and western Pacific, with a northerly range extending into the Beaufort Sea and Arctic Ocean (Hart, 1973; Mecklenburg *et al.,* 2002). Pacific herring are also found in many large and small aggregations, or schooling groups, throughout the Alexander Archipelago of Alaska. Habitat requirements for the species are diverse and partially a function of life stage. The most visible, and crucial, event in the herring life cycle is spawning, which generally occurs at predictable times (typically in the spring/early summer in Southeast Alaska) and in predictable locations (Hay and Outram, 1981). During spawning events, adult herring congregate along shorelines protected from ocean surf. Within these established spawning grounds, female herring deposit eggs onto a variety of different substrate types, including eelgrass, kelp, rockweed and other seaweed as well as on inorganic material such as rocks or pilings (Hart, 1973). Male herring then fertilize the eggs externally.

Following the spawning event, eggs usually hatch to a larval stage in about 2–3 weeks, depending upon the water temperature (Outram, 1955). Within a week of hatching, larvae must begin feeding to ensure survival, although they may be passively advected away from feeding areas (McGurk, 1984). Once the larvae become nektonic (free-swimming), they move to favorable habitats where they metamorphose into juveniles and form schools. Preferred habitat for adult and juvenile Pacific herring includes a variety of nearshore habitat types, such as bedrock outcrops, eelgrass, kelps, and sand-gravel beaches (Johnson and Thedinga, 2005). Juveniles begin recruiting to the adult population at age 3 (Williams and Quinn, 2000; Hay *et al.,* 2001). Adults live in schools that undergo diurnal and seasonal movements. Seasonally, adult herring tend to migrate between summer feeding areas on shelf waters to overwintering areas, often in deep, protected nearshore water, and then to spawning locations (Hay *et al.,* 2001).

The evidence for the delineation of the Southeast Alaska Pacific herring DPS was presented in the Status Review of Lynn Canal Herring (Carls *et al.,* 2008), which we made available for public review on April 11, 2008 (73 FR 19824). Several sources of data were considered in evaluating the DPS structure and discreteness of Southeast Alaska herring populations. This information included: Geographic variability in life-history characteristics, physiology, and morphology; ecosystem and oceanographic conditions; spawn timing and locations, tagging and recapture studies that would indicate the extent of migration and intermingling among stocks; and studies of genetic differentiation among stocks that would suggest some degree of reproductive isolation. After analyzing the best available scientific and commercial information, the Southeast Alaska DPS was determined to extend from Dixon Entrance northward to Cape Fairweather and Icy Point and includes all Pacific herring stocks in Southeast Alaska.

The delineation of the southern boundary was based on genetic differences between herring in Southeast Alaska and those in British Columbia, as well as differences in recruitment and average weight-at-age, parasitism, spawn timing and locations, and the results of tagging studies conducted in British Columbia (Carls *et al.,* 2008). The northern boundary is defined by physical and ecological features that create migratory barriers, as well as large stretches of exposed ocean beaches that are devoid of spawning and rearing habitats.

Given the large scope of this geographic area and the large number of stocks found throughout Southeast Alaska, we determined that the Southeast Alaska Pacific herring population is significant to the taxon as a whole. Specifically, the Southeast population exists in a unique ecological setting, and the extirpation of this population of Pacific herring would result in a significant gap in the range of the taxon (Carls *et al.,* 2008). The status review report (NMFS, 2014) found no new information to change the basis for those conclusions.

The BRT also recognized the possibility that there may be subdivisions within the Southeast Alaska DPS. Data released since the 2008 DPS determination may support this possibility. A study assessing whether the Lynn Canal stock is genetically distinct from other eastern Gulf of Alaska herring found that the genetic structure of samples from the fjord system of Berners Bay and Lynn Canal was significantly different from samples taken from Sitka Sound/outer coast Pacific herring (Wildes et al., 2011). Hobart Bay, considered an interior water body on a main waterway bisecting Southeast Alaska, shared genetic features of both areas, while Hoonah Sound herring were found to be genetically distinct from Lynn Canal and Berners Bay herring (Wildes *et al.,* 2011). Their fatty acid signature also differed from other areas tested in Southeast Alaska (Otis *et al.,* 2010). Although Wildes *et al.* (2011) recommended a larger, multi-year sampling, results also showed genetic differences between samples from Southeast Alaska and Prince William Sound. Another study using microsatellites to assess the genetic population structure of Pacific herring in British Columbia and adjacent regions found differentiation between herring that spawned in more inland waters and those that spawned in more seaward locations (Beacham *et al.,* 2008); a difference possibly related to life history, because resident herring spawn in mainland inlets and adjacent inland waterways, while migratory herring spawn in coastal areas and move to offshore summer feeding grounds. While the same study found distinctions between herring of California, Washington, and subgroups of herring in British Columbia, primarily due to spawn timing and geographic isolation, less differentiation existed between Southeast Alaska and British Columbia. Very little differentiation was noted between the Southeast Alaska herring stocks, which included: (1) Combined samples from Mary Island and Kirk Point; (2) combined samples from north and south Sitka Sound; and (3) samples from Seymour Canal (Beacham *et al.,* 2008).

Although these studies indicate that environmental differences may have reduced the gene flow in some regions of southeast Alaska, and that corresponding adaptations have occurred in herring in outer coastal as compared to interior waterways, the data do not contradict the 2008 DPS delineation (NMFS, 2014).

Summary of ESA Section 4(a)(1) Factors Affecting the Southeast Alaska DPS of Pacific Herring

The following sections discuss threats to Southeast Alaskan herring under each of the five factors specified in Section 4(a)(1) of the ESA and 50 CFR 424.11(d), with more detailed discussion included in Section 6 of the status review report (NMFS, 2014). Threats were assessed singly, collectively and also relative to herring abundance, growth rate/productivity, spatial structure/connectivity, and diversity.

Present or Threatened Destruction, Modification, or Curtailment of Habitat or Range

In Southeast Alaska, there does not appear to be a single acute threat to Pacific herring habitat. Instead, the localized abundance of herring may be affected by modifications in the immediate environment, including changes associated with increasing anthropogenic activity such as shoreline development, pollution, or marine traffic and noise. While no large projects currently pose a substantial threat to herring habitat, it is clear that the cumulative effect of chronic habitat alteration may decrease habitat suitability for herring over time. Coastal development activities in Southeast Alaska have increased with human population growth and may have contributed to changes in regional stocks of herring. At present, both the resident and seasonal non-resident human population of Southeast Alaska is increasing, with the latter primarily through growth in the cruise ship industry (ADCCED, 2011). These vessels are authorized to discharge various amounts of waste water depending upon the ship size and location (ADEC, 2010), though specific effects from such discharges on herring are unknown. Other vessels such as Alaska Marine Highway ferries, dry freight barges, freight cargo barges, as well as boats fishing for herring and other species also contribute to marine traffic and noise in Southeast Alaskan waters (Nuka, 2012). However, while herring have been documented to respond to vessel movement and noise (Schwarz and Greer, 1984; Misund *et al.,* 1996; Wilson and Dill, 2002), the extent to which vessel traffic affects herring populations in Southeast Alaska has not been documented. Another method by which herring habitat may be modified is through the introduction of invasive species, such as the colonial tunicate *Didemnum vexillum* in waters around Sitka, which has the potential to smother herring spawning habitat (Valentine *et al.,* 2007; Morris *et al.,* 2009; L. Shaw, pers. comm., NMFS).

Defining the consequences of habitat modification for herring populations is challenging because sufficient information is not available to understand the reliance of herring on particular habitats or the cumulative effects of habitat loss and degradation. It is probable that a synergy of both identified and unidentified factors link herring biology and the surrounding environment, and habitat modification could eventually lead to changes in herring populations. The decline of herring at Auke Bay, for example, was probably a result of multiple stressors, perhaps including permanent changes in the shoreline due to coastal development and consequent changes in water quality and substrate (NMFS, 2014). Conversely, herring abundance in Sitka Sound, which has also experienced growth in shoreline activity and associated infrastructure, has shown an increasing trend for several decades (NMFS, 2014).

In summary, the destruction, modification, or curtailment of habitat or range may have affected Southeast Alaska Pacific herring over time and may continue to do so as coastal development progresses, although the magnitude of such effects is unclear. The vast majority of shoreline and spawning habitat in Southeast Alaska is sparsely developed and is likely to remain so for the foreseeable future, although incremental losses of herring habitat will likely continue. We conclude that based on the available information, habitat loss and degradation are not likely to cause the Southeast Alaska Pacific herring to become in danger of extinction within the foreseeable future throughout all or a significant portion of its range (see below for consideration of the significant portion of its range issue).

Over-Utilization of the Species for Commercial, Recreational, Scientific or Educational Purposes

The biggest direct anthropogenic influence on Southeast Alaska Pacific herring for the past century has been commercial fishing. Large-scale commercial fishing for herring in Southeast Alaska began predominantly with the reduction fishery (a fishery that reduces the catch into meal or oil) in the early 1900s, which continued until the 1960s (Reid, 1972; Larson *et al.,* 2000). Throughout this time, technological improvements and increased efficiency of the fishery led to concerns about overexploitation, with the consequent establishment of catch limits (Rounsefell, 1930; Reid, 1971). In the

1960s, the volume of biomass removed by the reduction industry was surpassed by the spawn-on-kelp fishery (the harvest of herring eggs deposited on vegetation), which was then eventually surpassed by the sac roe (egg) fishery (Pritchett and Hebert, 2008). Currently, the sac roe fishery accounts for over 90 percent of all herring harvested in Southeast Alaska. For the 2010–2011 season, for example, the total regional commercial harvest of herring was 23,805 tons, which included 19,778 tons harvested in the sac roe fishery (Hebert, 2011).

In the status review report, data collected from the Alaska Department of Fish and Game (ADF&G) commercial herring fisheries since 1980 was evaluated using a variety of fishery and biological reference points as indices to define or indicate overfishing. These include:

(1) The ratio of fishing mortality to natural mortality. A ratio of fishing mortality to natural mortality less than or equal to 0.67 has been associated with sustainable fisheries (Patterson, 1992; Pikitch *et al.,* 2012). Since the 1980s, available data from Sitka Sound, Seymour Canal, and Craig indicate that this ratio remained less than or equal to 0.67 over 90 percent of the time.

(2) Abundance relative to threshold. Overfishing may be defined as harvest levels that drive abundance below a prescribed threshold (Quinn *et al.,* 1990; Rosenberg, 2009; NMFS, 2009). Since 1980, the percentage of managed Pacific herring stocks with estimated biomass above threshold levels has either remained consistent or increased.

(3) Harvest levels relative to the Guideline Harvest Level (GHL) and exploitation rates. GHLs are benchmark levels of allowable harvest. While it is not uncommon for harvest levels to exceed the GHL, on average, harvest levels have been fairly close to the GHL. Furthermore, exceeding the GHL does not generally lead to an exploitation rate that is greater than the maximum exploitation rate set at 20 percent. Historically, exploitation rates for both the harvest in Sitka Sound and the combined harvest of other stocks have been substantially lower than the 20 percent rate. Because forecast estimates of stock abundance used to set the GHL are typically lower then hindcast estimates of actual abundance (S. Dressel, personal communication, ADF&G, 5/2/2012), the GHL and subsequent exploitation rates tend to be conservative. Harvest levels over 20 percent, which have generally been due to hindcast estimates which were lower than forecast estimates, have occurred rarely throughout the Southeast Alaska DPS (NMFS, 2014).

(4) Trends in abundance. Based on ADF&G data since the 1980s, the combined biomass of Southeast Alaska managed herring has been increasing, with Sitka Sound herring markedly influencing the positive rate of growth. Estimates of the combined biomass ranged from a low of approximately 45,000 tons of herring in 1995 to 253,000 tons in 2011. Individual aggregations within the DPS have either increased or fluctuated, but are not generally declining.

(5) Recruitment. An increasing trend in combined recruitment of immature and mature age-3 herring is apparent in Sitka Sound and Seymour Canal data available since 1980. According to data available since 1988, the combined number of immature and mature age-3 herring being recruited into the Craig stock has been decreasing slightly from approximately 750 million fish in 1988 to 550 million fish in 2010 (NMFS, 2014).

(6) Size-based Indicators. Size-based indicators, such as age, length, and weight, may be used as indices for overexploitation (Rickman *et al.,* 2000; Longhurst, 2002; Hsieh *et al.,* 2006; 2008; Anderson *et al.,* 2008; Perry, 2010). There is no evidence under current management that herring in Southeast Alaska are exhibiting age truncation associated with depletion. Maximum length and weight has increased in Sitka herring, while slightly decreasing in other combined stocks. No marked trends are apparent in weight-at-age or length-at-age data from Sitka Sound or other combined stocks. While age-at-maturity appears to be increasing over the last few decades in Seymour Canal, modeling of Craig herring indicates a trend towards earlier maturation, and modeling of Sitka herring indicates no change in maturity over similar time periods.

(7) Spawning ground distribution. It is possible that the distribution and extent of spawning grounds as well as the abundance of herring throughout Southeast Alaska has decreased since the advent of the reduction fishery in the early 1900s (Rounsefell, 1930; Rounsefell and Dahlgren, 1935; Skud *et al.*, 1959; 1960; Brock and Coiley-Kenner, 2009; Thornton *et al.*, 2010a; 2010b). While this decline may signify that herring are currently being managed in a depleted state, other interpretations are equally plausible. All areas in southeast Alaska have not been surveyed within recent history and records may not be complete. It is also possible that human-caused mortality of large whales, and to a lesser extent Steller sea lions, especially through the first half of the 20th century, may have reduced predation in Southeast Alaska enough to inflate the abundance of herring, which was then available to the reduction fishery, meaning that that era may have actually represented an unnaturally high level of distribution and abundance of Pacific herring.

We conclude that overutilization is not likely creating a threat of extinction to the Southeast Alaska Pacific herring throughout all or a significant portion of its range within the foreseeable future. Although overutilization has occurred in the history of commercial herring fishing in Southeast Alaska, especially during the reduction era, neither fishery nor biological reference points indicate that herring in Southeast Alaska are currently being over-utilized or are in an overfished state. Evidence may indicate that herring abundance was historically greater and spawning locations more widespread and, under certain circumstances, this may be a cause for concern. However, this evidence is outweighed by (1) the potential for significant gaps in spawning location data; (2) the impacts on herring populations resulting from the historical decline of significant predators, including the humpback whale and Steller sea lion; and (3) the increasing biomass of the DPS as a whole.

Disease or Predation

Both recruitment and population abundance of Pacific herring can be influenced by disease. Disease may significantly impact a stock or spawning group when the population has had no previous exposure to a disease agent and environmental factors promote the presence of disease synergistically with other stressors. The chronic presence of disease may also prevent full recovery following a population decline (Marty *et al.,* 2010). Disease occurrence may occur on a broad, metapopulation scale given necessary predisposing conditions. However, in Southeast Alaska disease epizootics have thus far only been reported in specific stocks or localized areas (Meyers *et al.,* 1986; 1999; Hershberger, 2009 from T.R. Myers, unpublished accession reports). Consequently, while disease may currently be a periodic threat to individual herring stocks in Southeast Alaska, there is no evidence to indicate that disease presents a population-level threat to Southeast Alaska Pacific herring, either now or in the foreseeable future.

Predation is a consistent source of mortality through all herring life stages and may be the primary source of mortality for some cohorts (McGurk,

1989; Stokesbury *et al.,* 2000; 2002; Tyrell, 2008). Many different species prey upon herring in Southeast Alaska, including marine mammals, birds, invertebrates and piscivorous fishes. These predator-prey relationships undergo persistent shifts and may be challenging to characterize on temporal or spatial scales. Furthermore, accurate trends in abundance are often not available for many bird, marine mammal, and fish species known to prey upon herring.

Two major marine mammal predators of herring, the humpback whale and Steller sea lion, are increasing in abundance in Southeast Alaska and it is uncertain when these species will reach their respective carrying capacities in the region. These marine mammal species may contribute significantly to the natural mortality of herring. Humpback whales in particular have been cited as potentially equivalent to a fishery in terms of herring biomass removal and have also been cited as causing delayed or suppressed recovery of some depleted herring stocks (Rice *et al.,* 2011).

Although the interactions between herring and bird species that prey upon herring are complex, there is no evidence to suggest that avian predation is an increasing threat to Southeast Alaska Pacific herring.

A multitude of fish species prey upon herring. Some of these species, such as halibut and sablefish, appear to be declining in Southeast Alaska, while others, such as arrowtooth flounder, appear to have increased in abundance (Guenette *et al.,* 2006; Carroll and Brylinsky, 2010; Hare, 2010). Salmon populations have also significantly increased over the past several decades, including wild runs and fish from hatcheries (Pryor *et al.,* 2009; Duckett *et al.,* 2010). The direct or indirect effects of these trends in abundance on herring biomass in Southeast Alaska is uncertain.

In summary, positive population size trends indicate that disease and/or predation are not creating a risk of extinction for Southeast Alaska Pacific herring, nor are they likely to do so in the foreseeable future, throughout all or a significant portion of its range. While disease may be a constant threat to herring stocks in Southeast Alaska, the incidence of disease does not appear to be increasing. Predation is a significant source of mortality throughout herring life history and predation by marine mammals, birds, fishes and invertebrates can be a major influence on herring abundance. Given the assumption that the magnitude of predation increases with predator population, which does appear to be the case with humpback whales, then at least two herring predators, humpback whales and Steller sea lions, are likely to be increasing the predation pressure on herring in Southeast Alaska, at least in localized areas. However, trophic interactions, including predation and competition, are not easily characterized. Herring predation by some species, such as marine mammals, has been characterized more fully than with others, such as invertebrates and piscivorous fishes. The overall impact of the various predator species on the abundance of Southeast Alaska herring is uncertain, but again, we have no information to suggest it will place the herring in danger of extinction throughout all or a significant portion of its range within the foreseeable future.

Inadequacy of Existing Regulatory Mechanisms

Existing regulatory mechanisms offer some degree of protection for herring and their habitat in Southeast Alaska. Temporary mechanisms include Alaska Department of Fish & Game (ADF&G) review of projects requiring state authorization with subsequent recommendations to avoid, minimize, and mitigate impacts to herring (K. Kanouse, personal communication, ADF&G), such as timing windows relative to herring spawning events for coastal construction projects (established in Alaska Statutes, Title 16, Chapter 05, Section 871, Protection of Fish and Game). The Alaska Department of Environmental Conservation also implements Water Quality Standards which may indirectly affect herring habitat and biology (ADF&G 2010).

Existing regulatory mechanisms for fishing are in the form of fishery management measures defining the limitations of commercial harvest. Assessment of the effectiveness of these regulatory mechanisms in protecting herring is limited by uncertainties in our understanding of herring biology and ecology.

Regulations pertaining to the herring fishery are adopted by the Alaska Board of Fisheries, after consideration of social, political, and economic factors, as well as scientific input from ADF&G. The current Herring Management Plan (codified in the Alaska Administrative Code, Title 5, Chapter 27, Article 4, Section 190) gives ADF&G the authority to:

(1) Identify stocks based upon spawning areas. ADF&G manages nine separate spawning stocks of herring. While ADF&G considers the incidence of fish migration between stocks to be low (S. Dressel, personal communication, ADF&G, 5/2/2012) the movement of herring may be a complicated function of density-dependent processes, geographic scale, environmental conditions, and conspecific influence.

For example, a density-dependent spawning ground selection, expanding when the population is large and contracting to the most suitable sites at smaller population sizes, appears to be a common trend in Pacific, Atlantic and Baltic herring (Ivshina, 2001; Norcross and Brown, 2001). Herring may disappear en masse from previous spawning grounds, with smaller aggregations having a higher probability of disappearance, and potentially reappear as a result of conspecific attraction or possibly when suitable conditions return to a vacant habitat (Ware and Tovey, 2004).

(2) Establish a minimum spawning biomass threshold, below which fishing will not occur. Initial thresholds were based on historical knowledge, biologists' judgment, and/or a quantitative method involving age-structured analysis. ADF&G set the thresholds at 25 percent of the modeled average unfished biomass (Blankenbeckler and Larson, 1985; Carlile, 1998a; 1998b; 2003). However, with the potential for significant shifts in herring populations and trophic level dynamics throughout the period of the reduction fishery and commercial whaling, it is difficult to ascertain how accurately these adopted thresholds reflect a historical equilibrium. In either case, given the significant shifts in herring populations and trophic level dynamics that were probable throughout the reduction fishery and commercial whaling, it is possible that the adopted thresholds are not necessarily an accurate reflection of a historical equilibrium;

(3) Assess the abundance of mature herring for each stock before allowing fishing to occur. ADF&G mainly uses modeling, based upon data collected from spawn deposition and other surveys, to forecast the following year's abundance of mature herring for each stock. Inaccuracies and uncertainties may arise from many different sources in this process, and discrepancies have occurred in the past between forecasted estimates and hindcast estimates, based on actual spawning events. ADF&G relies on real-time assessment by biologists on the fishing grounds to recognize these discrepancies and modify the fishery accordingly.

(4) Except as provided elsewhere, allow a harvest of herring at an exploitation rate between 10 and 20 percent of the estimated spawning

biomass, when that biomass is above the minimum threshold level. Regulatory measures in place do not preclude an exploitation rate above 20 percent in certain circumstances; however, the incidence of exploitation rates above 20 percent has been uncommon.

(5) Identify and consider sources of mortality in setting harvest guidelines.

ADF&G uses modeling to estimate natural survival as a single parameter averaged across the years for which age-specific data on herring abundance are available. These survival estimates may be adjusted or renewed according to trends that occur over time with indices, but the model does not apportion predation and disease as separate components of natural mortality, nor does it forecast upcoming conditions.

(6) By emergency order, modify fishing periods to minimize incidental mortalities during commercial fisheries. Managers are expected to minimize incidental, non-regulated herring mortality by assessing field conditions, recognizing potential catastrophic stock changes as they occur, and modifying limits accordingly (Pritchett, 2008).

In summary, regulatory mechanisms that define limits of commercial exploitation incorporate uncertainty regarding: Understanding of herring biology, including migration, recruitment, and natural mortality, which affects the accuracy of abundance assessment methods relative to true abundance; the accuracy of values for historical or baseline biomass; and the biological validity of thresholds and exploitation rates relative to an unknown extinction threshold. It is likely that these uncertainties are inherent in the regulatory mechanisms of most commercial fisheries and not limited to ADF&G management of herring in Southeast Alaska. Current regulatory mechanisms also lack provisions for ongoing habitat protection specifically for herring. Despite these concerns, current trends in abundance discussed above and other demographic factors indicate that existing regulatory measures appear sufficient. We find no indication that an inadequacy of existing regulatory mechanisms has created a risk of extinction for Southeast Alaska Pacific herring, or is likely to do so within the foreseeable future, throughout all or a significant portion of its range.

Other Natural or Man-Made Factors

Southeast Alaska Pacific herring could potentially be affected by other natural factors, such as regime shifts, or other anthropogenic factors, such as global climate change. Regime shifts are defined as low frequency, high amplitude, and sometimes abrupt, changes in species abundance, community composition, and trophic organization that occur concurrently with physical changes in a climate system (McKinnell et al., 2001), which have likely occurred throughout history. While regime shifts appear to be a natural phenomenon in marine ecosystems, the potential threat to herring lies primarily through the challenge to stock sustainability, with trophic shifts and fishing serving as synergistic stressors. Anthropogenic climate change is considered a result of increased carbon dioxide emissions associated with human activity. Possible physical outcomes include an increase in marine temperature and ocean acidification (IPCC, 2007; Guinotte and Fabry, 2008). The effect of both regime shifts and anthropogenic climate change are highly uncertain; much of the uncertainty is associated with information gaps as well as a corresponding uncertainty which arises from multiple sources:

(1) The inability to accurately predict the temporal and spatial effects of ocean warming and acidification and the adaptability of species to those effects.

(2) The inability to accurately predict future climate, the difficulty of recognizing long-lived regime shifts at the time they occur, and the likelihood that each regime shift will present a new set of conditions (Mantua et al., 1997; Benson and Trites, 2002; Mantua and Hare, 2002; Polovina, 2005; Mueter *et al.,* 2007) where biological variability may not be a linear function of decadal variations in climate forcing (Miller and Schneider, 2000).

(3) The magnification of risks when the productivity of multiple stocks may be affected similarly and simultaneously (Beamish and Bouillon, 1995; Mueter *et al.,* 2007), including changes in predator abundance, distribution, and impact (McFarlane *et al.,* 2001; Benson and Trites, 2002).

(4) The unknown accuracy of management models and decisions, including stock recruitment relationships and the assumption of a baseline community or virgin unfished biomass (Steele 1996; Benson and Trites 2002). In a population that is maintained at too low a level, the effects of climate change may result in critical depensation, whereby the population is no longer self-sustaining.

(5) The unknown accuracy of underlying assumption of a stable equilibrium condition for a stock and ecosystem (May 1977).

(6) The inability to forecast the potential interplay of stressors such as climate change, fishing pressure, and habitat loss on populations (Chavez, 2003).

Traditionally, fishery management aims to maintain populations at fixed levels with yields considered sustainable for an indefinite period of time. However, in the face of continuing ocean change, sustainability may be relative only to the current set of conditions so management may be more challenging with less precise and predictable outcomes.

In summary, both anthropogenic climate change and regime shifts are associated with a great deal of uncertainty relating both to physical and biological change as well as herring adaptability to change. The threat of regime shifts lies primarily through the challenge to stock sustainability, with trophic shifts and fishing serving as multiple, synergistic stressors. Anthropogenic climate change includes ocean warming and acidification, both of which have the potential to affect herring abundance. Given the overall positive population trends for the Southeast Alaska Pacific herring DPS, the short generation times, and the observed resilience of the DPS (NMFS, 2014), we conclude that the available evidence is not sufficient to indicate that other natural or man-made factors, such as regime shifts or anthropogenic climate change, have created a risk of extinction for Southeast Alaska Pacific herring, or are likely to do so within the foreseeable future, throughout all or a significant portion of its range.

Cumulative and Synergistic Effects

Pacific herring is a keystone species in Southeast Alaska, playing a central role in marine food webs and it is also of significant importance as a commercial and subsistence species in many communities. While the threats addressed above have been considered separately, herring population depletion may result from a series of compounded threats interacting within the environment (Schweigert *et al.,* 2010). For example, the multiple facets of both anthropogenic climate change and regime shifts present serious challenges to sustainable fishery management. While natural systems have adapted to climatic changes throughout history, the rate of climate change has accelerated as have concurrent pressures, including fishing efficiency and habitat modification. Variations in ocean climate can moderate herring recruitment by alternating both predator and food abundance (Ware 1991). Similarly, disease in the ocean can increase predation and contribute to population declines (Harvell et al., 1999; 2002). Links have been

established between temperature and herring disease (Hedrick, 2003; Gregg *et al.,* 2011), which may then influence recruitment and adult population abundance of herring (Marty *et al.,* 2010). All of the factors impacting herring, including the five factors discussed above, may synergistically compromise resilience, yet, based on the population trend and other data discussed above, we find no information to suggest that the cumulative effects of these factors have created a risk of extinction for Southeast Alaska Pacific herring, or are likely to do so within the foreseeable future, throughout all or a significant portion of its range.

Summary of Extinction Risk Analysis

In assessing risk, it is important to include both qualitative and quantitative information. The threats section of the status review report, summarized above, supplied qualitative information on potential risks to Southeast Alaska herring. A quantitative assessment was then made through a risk matrix method, as described in detail by Wainright and Kope (1999). This method was used to organize and summarize the professional judgment of an Extinction Risk Assessment (ERA) team composed of a panel of four knowledgeable scientists with expertise in Pacific herring biology and ecology. In the risk matrix approach, the ERA team assessed the condition of Southeast Alaska herring populations and summarized the species status according to the following demographic risk criteria: Abundance, growth rate/productivity, spatial structure/connectivity, and diversity as well as other modifying factors. These viability criteria, outlined in McElhany *et al.* (2000), reflect concepts that are well-founded in conservation biology and that individually and collectively provide strong indicators of extinction risk. After reviewing all the relevant commercial and biological data supplied in the threats section, the ERA team used these criteria to estimate the extinction risk of the Southeast Alaska DPS of Pacific herring based on current demographic risks. The team scored each criterion on a scale of 1 (no or very low risk of extinction) to 5 (very high risk of extinction) and team members offered their best professional judgment regarding population status and extinction risks.

The ERA team scores for abundance, growth rate/productivity, diversity, and other modifying factors ranged from 1 to 2 with a modal and median score of 1. A score of 1 means that it is unlikely that this factor contributes significantly to risk of extinction, either by itself or in combination with other factors. A score of 2 means that it is unlikely that this factor contributes significantly to risk of extinction by itself, but some concern that it may, in combination with other factors.

The ERA team agreed that between 1980 and 2011, the period for which consistent data is available, the DPS has been demonstrating a positive trend in abundance as indicated by changes in the combined biomass of the nine ADF&G managed stocks as described above. Individual aggregations within the DPS have either increased or fluctuated, but are not generally declining.

The team was also in general agreement that the DPS is exhibiting positive trends in growth rate and productivity. Based on modeled estimates of recruitment and size-based parameters discussed above, productivity appears to be above replacement for assessed Southeast Alaska aggregations. However, the potential for periods of low recruitment that may occur when conditions do not support rapid population increases was a concern.

Although the ERA team agreed that it was unlikely that the DPS is at risk of extinction due to changes in spatial structure/connectivity, the team was slightly less certain in characterizing this demographic risk. ERA team scores for the spatial structure/connectivity of the DPS ranged from 1 to 3, with a modal score of 1 and a median score of 1.5. A score of 1 means that it is unlikely that spatial structure/connectivity contributes significantly to risk of extinction, either by itself or in combination with other factors. A score of 3 represents a moderate risk, which means that it is likely that spatial structure/connectivity in combination with other factors contributes significantly to risk of extinction. A DPS may be at moderate risk of extinction due to declining trends in spatial structure/connectivity and current threats that inhibit the reversal of these trends. While herring in the Southeast Alaska DPS are widespread, there is some concern relative to the importance of current versus historical patterns as herring spawning locations do not appear to be as widespread as they once were. Furthermore, several spawning stocks are concentrated near urban areas, and habitat constriction is a possibility. However, while urbanization is more likely to destroy rather than create herring habitat, it is also probable that many suitable, unused spawning locations currently exist. Furthermore, while the spatial structure among different life history stages of Pacific herring in Southeast Alaska is not well defined, evidence suggests there is some intermixing among populations, which may serve to maintain the viability of each (Wildes *et al.,* 2011). There is also little evidence to suggest the existence of a critical source population or that migration among stocks is unidirectional, whereby the viability of a single population or stock determines the viability of multiple stocks or populations. Although local spawning aggregations may periodically exhibit low levels of biomass and abundance, these aggregations appear to rebuild in time, possibly due to immigration from other spawning aggregations. There are also indications of intermingling on a broader scale. Fish from Sitka Sound appear to be more similar to herring in Prince William Sound rather than herring in the inside waters of northern southeast Alaska, suggesting that when the migratory stocks on the outer coast move offshore to feed in the summer, there could be some dispersal or connectivity (Wildes *et al.,* 2011). On the southern border, there are spawning stocks of herring in relatively close proximity and the coastline is comprised of herring habitat, including many protected bays and passageways. While natural rates of dispersal are unknown, dispersal is also possible to the south.

The ERA team scores for current diversity ranged from 1 to 2 with a modal and median score of 1. While not all spawning aggregations are monitored, there is currently no evidence to suggest a substantial change or loss of variation in life-history traits, population demography, morphology, behavior or genetic characteristics.

With respect to relevant modifying factors, ERA team scores also ranged from 1 to 2 with a modal and median score of 1. The team cited a number of relevant modifying factors. While herring are considered resilient, low recruitment, likely stemming from infrequent conditions that support rapid population increases, was a consideration. The potential for increased disease prevalence with herring pounds was also of concern as was site fidelity in areas of no habitat protection and increased urbanization and development.

To inform our consideration of threats to Southeast Alaska Pacific herring under section 4(a)(1) of the ESA (as discussed above), the ERA team also completed a threats assessment by scoring the severity of current threats to the DPS as well as predicting whether each threat will increase, decrease, or stay the same in the foreseeable future.

Based on the information provided in the status review document, the major categories of threats as described by section 4(a)(1) were further subdivided and quantitative assessments made on the following topics: predation, disease, shoreline modification/urbanization, invasive species, pollution, marine traffic and noise, habitat protection, anthropogenic climate change, regime shifts, commercial fishery regulations, fishery, fishery reference points and biological reference points.

ERA team scores for all threats to the DPS ranged from 1 to 3, with both modal and median scores between 1 and 2.5. A score of 1 signifies no or very low risk, meaning that it is unlikely the evaluated factor contributes significantly to risk of extinction, either by itself or in combination with other factors. A score of 2 represents low risk, which means that it is unlikely that this factor contributes significantly to risk of extinction by itself, but there is some concern that it may in combination with other factors. A score of 3 represents a moderate risk, which means that it is likely that this factor in combination with others contributes significantly to risk of extinction. The ERA team assigned greatest risk to habitat protection followed by predation, shoreline modification, and commercial fishery regulations. All threats had a low to moderate (habitat protection, predation) or low (shoreline modification, commercial fishery regulations) median and modal scores with a range from no/very low risk to moderate risk. The ERA team was concerned with the legal protection of spawning and nursery habitats, both currently and in the foreseeable future, especially relative to increased urbanization and other stressors associated with human activity, and noted that no such specific regulatory protections currently exist. The ERA team recognized that populations of several large predators, and consequently potential impacts on herring, are increasing, but considered it likely that prey bases would shift before local extinction could occur. The ERA team also expressed concern about the probability of increased disease prevalence with herring pounds (enclosures where live herring may be held before harvesting).

The ERA team used the accumulated information to determine the DPS' overall level of extinction risk through a final scoring exercise that included the ability for each team member to express uncertainty through the distribution of 10 ''likelihood point'' votes. They used the same 5 category risk scale as above. The team assigned 67.5 percent of the likelihood points to the ''no/low'' level of extinction risk, meaning that it was considered unlikely that the DPS is at risk of extinction due to projected threats or trends in abundance, productivity, spatial structure, or diversity. Thirty percent of the points were put in the ''low'' risk of extinction category and 2.5 percent (1 vote) was placed in the moderate risk category.

Based on all of the considerations described above, the ERA team concluded that the Southeast Alaska DPS of Pacific herring is not currently at risk of extinction throughout its range, nor is it likely to become so within the foreseeable future. We concur with the findings of the ERA team.

A final task included considering whether the Southeast Alaska DPS of Pacific herring is at risk of extinction throughout a significant portion of its range. NMFS and USFWS published a draft policy to clarify the interpretation of the phrase ''significant portion of the range'' in the ESA definitions of ''threatened'' and ''endangered'' (76 FR 76987; December 9, 2011). The draft policy consists of the following four components:

(1) If a species is found to be endangered or threatened in only a significant portion of its range, then the entire species would be listed as endangered or threatened.

(2) The range of a species is ''significant'' if its contribution to the viability of the species is so important that, without that portion, the species would be in danger of extinction.

(3) The range of a species is considered to be the general geographical area within which the species, including all or any part of its life cycle, can be found at the time the status determination is being made.

(4) If a species is not endangered or threatened throughout all its range but is endangered or threatened within a significant portion of the range, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

NMFS and USFWS are currently reviewing public comment received on the draft policy. We therefore consider the draft policy as non-binding guidance in evaluating whether to list the Southeast Alaska DPS of Pacific herring based on threats within a significant portion of the range of the DPS. Lost historical range would not constitute a significant portion of a species' range (and a species cannot be listed solely on the basis of loss of historical range), but the causes and consequences of loss of historical range on the current and future viability of the species must be considered and are an important component of determining the risk of extinction.

The ERA team did not find any portion of the range within the Southeast Alaska DPS to warrant a different level of extinction risk. Also, as discussed previously, we have no new information since the Status Review of Lynn Canal Herring (Carls *et al.*, 2008) to suggest that any subset of Pacific herring in Southeast Alaska should be considered a DPS. Therefore, the team concluded that the Southeast Alaska DPS of Pacific herring is not at risk of extinction throughout a significant portion of its range. We concur with this conclusion.

Conservation Efforts

When considering the listing of a species, section 4(b)(1)(A) of the ESA requires consideration of efforts by any state, foreign nation, or political subdivision of a state or foreign nation to protect the species. Such efforts would include measures by Native American tribes and organizations, local governments, and private organizations. Also, Federal, tribal, state, and foreign recovery actions (16 U.S.C. 1533(f)), and Federal consultation requirements (16 U.S.C. 1536) constitute conservation measures.

Conservation efforts may include habitat protection or measures defining the limitations and extent of exploitation. The State of Alaska is the managing body for herring fisheries in Alaska. Consequently, conservation measures in place that regulate human impacts on herring in Southeast Alaska are primarily in the form of mandates to state agencies based on state legislation. Article 8 Section 4 of the Alaskan Constitution concerns the goal of sustainable yield, whereby '' Fish . . . shall be utilized, developed and maintained on the sustained yield principle, subject to preferences among beneficial uses.'' State regulatory measures for herring fisheries are designed to conserve herring stocks on a sustained yield principle and have been described and evaluated above. State habitat protection and conservation occurs through State project review and subsequent recommendations to avoid, minimize, and mitigate impacts to herring while in spawning grounds. The Alaska Department of Environmental Conservation also implements Water Quality Standards which may indirectly conserve herring habitat.

Conclusion

We have reviewed the status of the Southeast Alaska DPS of Pacific herring, fully considering the best scientific and commercial data available, including the status review report. We have reviewed the threats to herring in Southeast Alaska, as well as other relevant factors, and given consideration to conservation efforts.

Our review of the information pertaining to the five ESA section 4(a)(1) factors and ERA team evaluation of the current and projected status of herring in Southeast Alaska does not support a conclusion that there are threats acting on the species or its habitat that have rendered herring in Southeast Alaska in danger of extinction, or likely to become so in the foreseeable future, throughout all or a significant portion of its range. Therefore, listing the Southeast Alaska DPS of Pacific herring as threatened or endangered under the ESA is not warranted at this time.

References Cited

A complete list of all references cited in this notice can be found on our Web site at *http://alaskafisheries.noaa.gov* and is available upon request (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 27, 2014.

Samuel D. Rauch III,

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

[FR Doc. 2014–07368 Filed 4–1–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC325

Endangered Species; File No. 15809

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Paul Jobsis, Ph.D., University of the Virgin Islands, Department of Biology, 2 John Brewers Bay, St Thomas, VI 00802, has been issued a permit to take green (*Chelonia mydas*) and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review 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

Southeast Region, NMFS, 263 13th Ave South, St. Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

FOR FURTHER INFORMATION CONTACT: Kristy Beard or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On November 9, 2012, notice was published in the **Federal Register** (77 FR 67341) that a request for a scientific research permit to take green and hawksbill sea turtles had been submitted by the above-named individual. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

A 5-year permit was issued to conduct research on sea turtles around protected bays of St. Thomas and St. John, U.S. Virgin Islands. The purpose of the research is to assess the ecological movements of juvenile green and hawksbill sea turtles. Researchers are authorized to directly capture up to 40 sea turtles using tangle nets and up to 40 hawksbill sea turtles by hand or using dip nets each year. No more than 40 total sea turtles (both species combined) may be captured in a year. The following procedures may be conducted on sea turtles: Count/survey, attach flipper and passive integrated transponder tags, attach acoustic transmitters using epoxy or a combination of wire and epoxy, measure, photograph, weigh, and sample tissue.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: March 24, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–07315 Filed 4–1–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC632

Marine Mammals; File No. 14809

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to Douglas Nowacek, Ph.D., Duke University—Marine Laboratory, 135 Duke Marine Lab Rd, Beaufort, NC 28516, to conduct research on 34 cetacean species for scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices: See **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Courtney Smith, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On April 23, 2013, notice was published in the **Federal Register** (78 FR 23908) that a request for a permit to conduct research on 34 cetacean species, including three endangered species: humpback (*Megaptera novaeangliae*), sperm (*Physeter macrocephalus*), and southern right (*Eubalaena australis*) whales, had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (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.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Dr. Nowacek has been issued a permit to conduct comparative research on cetaceans in the North Atlantic, North Pacific and Southern Oceans. Authorized activities include suction cup tagging, acoustic playbacks, passive acoustics, biopsy sampling, photo-identification, behavioral observations, and incidental harassment during vessel surveys. The primary research objectives are to: (1) Document baseline foraging and social behavior of cetacean species under different ecological conditions; (2) place these behaviors in a population-level context; and (3) determine how these species respond to various natural sound sources. The

permit is valid for five years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Documents may be reviewed in the following locations:

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;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018;

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814–4700; phone (808) 944–2200; fax (808) 973–2941;

Greater Atlantic Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281–9328; fax (978) 281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727)824–5312; fax (727)824–5309.

Dated: March 27, 2014.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–07378 Filed 4–1–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX47

Marine Mammals; File No. 14097

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that National Marine Fisheries Service, Southwest Fisheries Science Center (SWFSC) (Responsible Party: Lisa Ballance, Ph.D.), Protected Resources Division, 8901 La Jolla Shores Drive, La Jolla, CA 92037, has applied for two amendments to Scientific Research Permit No. 14097–03.

DATES: Written, telefaxed, or email comments must be received on or before May 2, 2014.

ADDRESSES: The applications 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 home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 14097, Modification #24 or #25 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices: See **SUPPLEMENTARY INFORMATION.**

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed below. 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: Kristy Beard or Amy Hapeman, (301)427–8401.

SUPPLEMENTARY INFORMATION: The subject amendments to Permit No. 14097–03 are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (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 (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 14097, issued on July 7, 2010, (75 FR 40776), authorizes the SWFSC to conduct scientific research on 5 pinniped species, 57 cetacean species, and 5 sea turtle species in U.S. territorial and international waters of the Pacific, Southern, Indian, and Arctic Oceans for three projects. Under Project I (Pinnipeds) population assessments are conducted of northern elephant seals (*Mirounga angustirostris*), California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*), and harbor seals (*Phoca vitulina*) via aerial photography, ground or vessel surveys, and photogrammetry to determine abundance, distribution patterns, length frequencies, and breeding densities. Scats and spewings are collected from California sea lions to determine their diet. Under Project II (Cetaceans) surveys are conducted to determine the abundance, distribution, movement patterns, and stock structure of cetaceans. These studies are conducted through vessel surveys, aerial surveys, small plane photogrammetry, photo-identification (from vessels and small boats), biological sampling, radio tagging, and satellite tagging. Under Project III (Sea Turtles) surveys are conducted to determine the abundance, distribution, movement patterns, stock structure, and diet of sea turtles. Sea turtles may be opportunistically captured during Project II surveys for biological sampling and to attach satellite tags. Cetacean, pinniped, and sea turtle biological samples may be imported/exported. The permit was amended (to version no. 14097–01) on July 7, 2011, to authorize use of less invasive suction cup tags instead of a portion of the authorized dart/barb tag takes. The permit was amended (to version no. 14097–02) on September 6, 2012, to authorize (1) the attachment of dart/barb tags or implantable tags on Arnoux's beaked whales (*Berardius arnuxii*) in the Southern Ocean; and (2) an increase in the takes of pinniped species encountered during aerial, ground, and vessel surveys in the Pacific Ocean, to account for ten additional surveys per year. The permit was amended (to version no. 14097–03) on September 13, 2013, to (1) authorize the development of cell lines; and (2) add individuals as authorized recipients of sea turtle samples. Permit No. 14097 has also had numerous modification requests to add personnel, making these requests numbers 24 and 25.

In Modification #24, the SWFSC is requesting the permit be amended to include authorization to (1) use an unmanned aerial system to photograph cetaceans and collect breath samples from gray whales (*Eschrichtius robustus*); (2) suction cup tag gray whales; (3) attach dart/barb tags to 15 bottlenose (*Tursiops truncatus*) and 15 Risso's dolphins (*Grampus griseus*) per year. Except for the requested bottlenose and Risso's dolphins, the number of cetaceans that would be taken annually would not change from what is

currently authorized. In Modification #25, the SWFSC is requesting the permit be amended to authorize multiple biopsy samples of humpback whales (*Megaptera novaeangliae*) in the Southern Ocean to determine if the stable isotope signature is different on different parts of the body. Specifically, they request to biopsy up to 25 humpback whales no more than 5 times each in a 12-month period. No more than three samples would be collected within 24 hours. The number of humpback whales that would be taken annually would not change from what is currently authorized. The expiration date of the permit would also be extended by 12 months, to June 30, 2016.

A draft supplemental environmental assessment (SEA) was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), to examine whether significant environmental impacts could result from issuance of either proposed amendment to the scientific research permit. Based on the analyses in the draft SEA, NMFS determined that issuance of the permit amendments would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. The draft SEA is available upon request. The EA prepared for the original permit resulted in a Finding of No Significant Impact (FONSI), signed on July 1, 2010. That EA and FONSI are also available upon request.

Concurrent with the publication of this notice in the **Federal Register** ,NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

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;

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018; and

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814–4700; phone (808)944–2200; fax (808)973–2941.

Dated: March 28, 2014.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–07370 Filed 4–1–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD203

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Air Force Launches, Aircraft and Helicopter Operations, and Harbor Activities Related To Launch Vehicles From Vandenberg Air Force Base (VAFB), California

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

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the U.S. Air Force (USAF) to take marine mammals, by harassment, incidental to launches, aircraft and helicopter operations from VAFB launch complexes and *Delta Mariner* operations, cargo unloading activities, and harbor maintenance dredging in support of the Delta IV/Evolved Expendable Launch Vehicle (EELV) launch activity on south VAFB.

DATES: Effective from March 26, 2014, through March 26, 2019.

ADDRESSES: The LOA and supporting documentation may be obtained by writing to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East West Highway, Silver Spring, MD 20910, calling the contact listed under **FOR FURTHER INFORMATION CONTACT**, or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*. Documents cited in this notice may also be viewed, by appointment, during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term ''take'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill any marine mammal.

Authorization for incidental takings may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 As: ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

The National Defense Authorization Act of 2004 (NDAA) (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations and amended the definition of ''harassment'' as it applies to a ''military readiness activity'' to read as follows (Section 3(18)(B) of the MMPA): ''(i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].'' Because the USAF's activities constitute military readiness activities, they are not subject to the small numbers or specified geographic region limitations.

Regulations governing the take of five species of marine mammals, by Level B harassment, incidental to launches, aircraft and helicopter operations, and harbor activities related to vehicles from VAFB were issued on February 24, 2014 (79 FR 10016). These regulations are effective from March 26, 2014, through March 26, 2019. The species which are

authorized for taking by Level B harassment are: Pacific harbor seals; California sea lions; northern elephant seals; northern fur seals; and Steller sea lions. For detailed information on this action, please refer to the final rule (79 FR 10016, February 24, 2014). These regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during the specified activities.

This LOA is effective from March 26, 2014, through March 26, 2019, and authorizes the incidental take of the five marine mammal species listed above that may result from launches, aircraft and helicopter operations, and harbor activities related to vehicles from VAFB, California.

The USAF states that these activities may result in take of marine mammals from noise or visual disturbance from rocket and missile launches, as well as from the use of heavy equipment during the *Delta Mariner* (or similar vessel) off-loading operations, cargo movement activities, increased presence of personnel, and harbor maintenance dredging. The USAF launch and aircraft activities create two types of noise: continuous (but short-duration) noise, due mostly to combustion effects of aircraft and launch vehicles; and impulsive noise, due to sonic boom effects. Launch operations are the major source of noise on the marine environment from VAFB. The operation of launch vehicle engines produces significant sound levels. Generally, noise is generated from four sources during launches: (1) Combustion noise from launch vehicle chambers; (2) jet noise generated by the interaction of the exhaust jet and the atmosphere; (3) combustion noise from the post-burning of combustion products; and (4) sonic booms. Launch noise levels are highly dependent on the type of first-stage booster and the fuel used to propel the vehicle. Therefore, there is a great similarity in launch noise production within each class size of launch vehicles. The noise generated by VAFB activities will result in the incidental harassment of pinnipeds, both behaviorally and in terms of physiological (auditory) impacts.

Acoustic and visual stimuli generated by the use of heavy equipment during the *Delta Mariner* (or similar vessel) off-loading operations and harbor dredging and the increased presence of personnel may have the potential to cause Level B harassment of any pinnipeds hauled out in the VAFB harbor. This disturbance from acoustic and visual stimuli is the principal means of marine mammal taking associated with these activities.

Take of marine mammals will be minimized through the implementation of the following mitigation measures: (1) All aircraft and helicopter flight paths must maintain a minimum distance of 1,000 ft (305 m) from recognized seal haul-outs and rookeries (e.g., Point Sal, Purisima Point, Rocky Point), except in emergencies or for real-time security incidents (e.g., search-and-rescue, fire-fighting) which may require approaching pinniped haul-outs and rookeries closer than 1,000 ft (305 m); (2) for missile and rocket launches, unless constrained by other factors including human safety, national security concerns or launch trajectories, holders of LOAs must schedule launches to avoid, whenever possible, launches during the harbor seal pupping season of March through June; (3) the USAF must avoid, whenever possible, launches which are predicted to produce a sonic boom on the NCI during harbor seal, elephant seal, California sea lion, and northern fur seal pupping seasons; and (4) if post-launch surveys determine that an injurious or lethal take of a marine mammal has occurred, the launch procedure and the monitoring methods must be reviewed, in cooperation with NMFS, and appropriate changes must be made through modification to an LOA, prior to conducting the next launch of the same vehicle under that LOA. To minimize marine mammal takes during harbor activities, the following mitigation measures will be implemented: (1) If activities occur during nighttime hours, turn on lighting equipment before dusk. The lights would remain on for the entire night to avoid startling pinnipeds; (2) initiate operations before dusk; (3) keep construction noises at a constant level (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present; (4) if activities cease for longer than 30 minutes and pinnipeds are in the area, initiate a gradual start-up of activities to ensure a gradual increase in noise levels; (5) a qualified observer would visually monitor the harbor seals on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of the activities; (6) the *Delta Mariner* (or similar vessel) and accompanying vessels would enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks; reducing speed to 1.5 to 2 knots (1.5–2 nm/hr; 2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel would enter the harbor stern first, approaching the wharf and moorings at less than 0.75 knot (1.4 km/hr); and (7) explore alternate dredge methods and introduce quieter techniques and equipment as they become available.

Through this LOA, the USAF is required to monitor for marine mammals. The USAF is required to submit an annual report to NMFS by March 1 of each year. The report will include data collected from the monitoring program. Additional information on the mitigation, monitoring, and reporting requirements can be found in the final rule (79 FR 10016, February 26, 2014). The USAF is also required to submit a comprehensive report, which shall provide full documentation of methods, results, and interpretation of all monitoring during the period of effectiveness of this LOA.

Dated: March 26, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–07316 Filed 4–1–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XB094

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Sturgeon Research in the Gulf of Mexico

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

ACTION: Notice; withdrawal of a request for incidental take authorization.

SUMMARY: Notice is hereby given that the U.S. Fish and Wildlife Service (FWS) has withdrawn its request for authorization to take small numbers of marine mammals incidental to conducting sturgeon research in the Gulf of Mexico (GOM), over the course of five years from the date of issuance.

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On January 27, 2012, we received a complete application from FWS requesting authorization for take of four species of marine mammal incidental to sturgeon research conducted by and in collaboration with FWS in the GOM. On April 10, 2012 (77 FR 21539), we published a Notice of Receipt of that request in the **Federal Register**, inviting information, suggestions, and comments

on FWS's application and request. We did not receive any comments in response to the notice.

Two bottlenose dolphins (*Tursiops truncatus*) were incidentally killed on April 12, 2011, in gillnets deployed during sturgeon research conducted for the Natural Resources Damage Assessment of the Deepwater Horizon oil spill. As a result, FWS determined that this and other similar research had the potential to incidentally take additional marine mammals via entanglement in gillnets, resulting in injury, serious injury, or mortality. Therefore, FWS determined that a request for incidental take authorization was warranted, and requested authorization to take bottlenose dolphins, Atlantic spotted dolphins (*Stenella frontalis*), pantropical spotted dolphins (*S. attenuata*), and striped dolphins (*S. coeruleoalba*) by injury, serious injury, or mortality.

On April 15 and July 8, 2011, respectively, NMFS' Southeast Regional Office (SERO) provided FWS with marine mammal mitigation measures for spring sampling and marine mammal conservation measures and recommendations for summer and fall sampling. These measures were designed to prevent additional incidents of take incidental to sturgeon research, and FWS agreed to adhere to these measures. Subsequently, NMFS' Office of Protected Resources determined, in consultation with SERO, that implementation of the measures as described would mitigate the risk of incidental capture of marine mammals in sturgeon sampling gear to discountable levels. Therefore, we determined that an incidental take authorization was no longer warranted. On February 14, 2014, FWS submitted a withdrawal of their previous request for incidental take authorization, reiterating their commitment to working closely with NMFS and other partners on sturgeon research in the GOM while implementing the mitigation measures as described by SERO. No further incidents of incidental capture have occurred since FWS began implementing the prescribed measures.

Dated: March 28, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–07367 Filed 4–2–14; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION OF FINE ARTS

Commission of Fine Arts; Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 17 April 2014, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington DC 20001–2728. Items of discussion may include buildings, parks, and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *CFAStaff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: March 24, 2014, in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2014–07252 Filed 4–1–14; 8:45 am]

BILLING CODE 6331–01–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Inland Waterways Users Board Meeting Notice

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the U.S. Army Corps of Engineers, Inland Waterways Users Board (Board). This meeting is open to the public. For additional information about the Board, please visit the committee's Web site at: *http://www.iwr.usace.army.mil/Missions/Navigation/InlandWaterwaysUsersBoard.aspx.*

DATES: The Army Corps of Engineers, Inland Waterways Users Board will meet from 9 a.m. to 1 p.m. on May 1, 2014. Public registration will begin at 8:30 a.m.

ADDRESSES: The Board meeting will be conducted at the Wyndham Riverfront Little Rock Hotel, 2 Riverfront Place, North Little Rock, AR 72114, at 501–371–9000, or *www.wyndham.com/hotels/arkansas/north-little-rock/wundham-riverfront-little-rock/hotel-overview.*

FOR FURTHER INFORMATION CONTACT: Ms. Mindy M. Simmons, the Designated Federal Officer (DFO) for the committee, in writing at Headquarters, U.S. Army Corps of Engineers, ATTN: CECW–IP, 441 G Street NW., Washington, DC 20314–1000; by telephone at 202–761–1934; and by email at *Mindy.M.Simmons@usace.army.mil.* In the alternative, contact Mr. Mark R. Pointon, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GM, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–6438; and by email at *Mark.Pointon@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The Board is chartered to provide independent advice and recommendations to the Secretary of the Army on construction and rehabilitation project investments on the commercial navigation features of the inland waterways system of the United States. At this meeting, the Board will receive briefings and presentations regarding the investments, projects and status of the inland waterways system of the United States and conduct discussions and deliberations on those matters. The Board is interested in written and verbal comments from the public relevant to these purposes.

Proposed Agenda: At this meeting the agenda will include the status of funding for inland navigation projects and studies, the status of the Inland Waterways Trust Fund, funding for Fiscal Year 2014, status of the Olmsted Locks and Dam Project, status of the Mississippi River Lock and Dam #27 Major Rehabilitation, review of the Inner Harbor Navigation Canal Lock Sill Depth Design, review of the Bayou Sorrel Lock Economic Assessment, and an update of Risk-based Infrastructure Management for the Inland Waterways.

Availability of Materials for the Meeting. A copy of the agenda or any updates to the agenda for the May 1, 2013 meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through

102–3.1 65, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin at 8:30 a.m. on the day of the meeting. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number at registration. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access. Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact Ms. Simmons, the committee's DFO, or Mr. Pointon, the ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Board about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Ms. Simmons, the committee DFO, or Mr. Pointon, the committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the Board for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting. Please note that because the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the Board meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–07287 Filed 4–1–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0051]

Agency Information Collection Activities; Comment Request; Survey on the Use of Funds Under Title II, Part A (''Improving Teacher Quality State Grants Subgrants to LEAS'')

AGENCY: Office of Elementary and Secondary Education (OESE). 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 revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 2, 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–0054 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 Daphne Kaplan, 202–401–7949.

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: Survey On the Use of Funds Under Title II, Part A (''Improving Teacher Quality State Grants Subgrants To LEAS'').

OMB Control Number: 1810–0618.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 850.

Total Estimated Number of Annual Burden Hours: 4,850.

Abstract: The Elementary and Secondary Education Act of 1965, as amended, provides funds to districts to improve the quality of their teaching and principal force and raise student achievement. These funds are provided to districts through Title II, Part A (Improving Teacher Quality State Grants Subgrants to Local Educational Agencies (LEA)). The purpose of this survey is for the U.S. Department of Education to have a better understanding of how districts use these funds. The survey also collects information on high-quality professional development in LEAs. In addition to the LEA survey, the package also includes a short survey for State Educational Agencies (SEA) that provides information on fiscal year allocations of Title II, Part A funds made to the LEAs selected for participation in the LEA survey.

This OMB clearance request is to continue these analyses using a similar data collection instrument and sampling plan for the 2014–2015 school year and subsequent years. Minor changes to the LEA survey are requested. No changes to the State Educational Agency (SEA) survey are required.

Dated: March 27, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–07310 Filed 4–1–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0052]

Agency Information Collection Activities; Comment Request; Annual Client Assistance Program (CAP) Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), 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 June 2, 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–0052 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 Jim Doyle, 202–245–6630.

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: Annual Client Assistance Program (CAP) Report.

OMB Control Number: 1820–0528.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector, Federal Government.

Total Estimated Number of Annual Responses: 112.

Total Estimated Number of Annual Burden Hours: 1,792.

Abstract: Form RSA 227 is used to meet specific data collection requirements contained in Section 112 of the Rehabilitation Act of 1973, as amended, and its implementing Federal Regulations at 34 CFR Part 370. Data from the form have been used to evaluate individual programs. These data also have been used to indicate trends in the provision of services from year-to-year. In addition, Form RSA–227 is used to analyze and evaluate the effectiveness of individual Client Assistance Program (CAP) grantees. These agencies provide services to individuals seeking or receiving services from programs and projects authorized by the Rehabilitation Act of 1973, as amended. Form RSA–227 has enabled RSA to furnish the President and Congress with data on the provision of advocacy services and has helped to establish a sound basis for future funding requests.

Dated: March 27, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–07311 Filed 4–1–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0060]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Promoting Student Success in Algebra I Project

AGENCY: Office of Elementary and Secondary Education (OESE), 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 new information collection.

DATES: Interested persons are invited to submit comments on or before May 2, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0060 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 Ivonne Jaime, 202–260–1519.

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: Promoting Student Success in Algebra I Project.

OMB Control Number: 1810—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 314.

Total Estimated Number of Annual Burden Hours: 162.

Abstract: The Promoting Student Success in Algebra I (PSSA) study aims to provide policy-makers and practitioners with a deeper understanding of how instructional practices, professional development, instructional coaching, curriculum alignment, and expanded learning/double-dose algebra can serve as possible avenues for improving student success in mathematics and particularly Algebra I, a critical gateway course for which student success is a strong predictor of high-school graduation.

The PSSA study will incorporate research findings, school-based perspectives from education practitioners, and case studies of district and school sites that are implementing exemplary initiatives in the five topical areas that represent common leverage points for addressing student needs in mathematics. This work will make an important contribution by producing actionable information for educators and policymakers about how to promote success in Algebra I for all students while simultaneously increasing the demands on teacher effectiveness and student performance in preparation for the Common Core State Standards for Mathematics (CCSSM). The study centers around three major research questions as follows:

(1) What is the evidence to support practices or strategies in the areas of instructional practices, professional development, instructional coaching, curricular alignment, and expanded learning/double-dose algebra for promoting student success in Algebra I?

(2) What do district- and school-based representatives think about evidence for practices or strategies in these areas?

(3) What does exemplary implementation of each practice or strategy look like in districts or schools with demonstrated improvement in student outcomes?

The subject of this OMB clearance request is PSSA's series of five topical area case studies (Research Question #3). The case studies are designed to address five focused sets of case study research questions that are grounded in the study's overall conceptual framework. These research questions explore factors associated with the successful implementation of programs or initiatives in each of the five topical areas, including (a) actions taken to implement the program/initiative; (b) processes used to develop and select the program/initiative; (c) contextual factors that enable and constrain successful implementation; and (d) indicators that are used to describe the effectiveness of the program/initiative.

Dated: March 27, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–07309 Filed 4–1–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

President's Advisory Commission on Educational Excellence for African Americans

AGENCY: President's Advisory Commission on Educational Excellence for African Americans, U.S. Department of Education.

ACTION: Notice of an Open Meeting.

SUMMARY: This notice sets forth the schedule and agenda of the meeting of the President's Advisory Commission on Educational Excellence for African Americans. 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: Friday, April 18, 2014.

Time: 9:00 a.m.—4:00 p.m. (EDT).

ADDRESSES: U.S. Department of Education, 400 Maryland Avenue SW., LBJ Auditorium, Washington, DC 20202, 202–260–8197.

FOR FURTHER INFORMATION CONTACT: Kimberly Watkins-Foote, Acting Deputy Director, White House Initiative on Educational Excellence for African Americans, 400 Maryland Avenue SW, Washington, DC 20204; telephone: (202) 260–8197, fax: (202) 401–1971.

SUPPLEMENTARY INFORMATION: The President's Advisory Commission on Educational Excellence for African Americans is established by Executive Order 13621 (July 26, 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 matters pertaining to the educational

attainment of the African American community, including: (1) The development, implementation, and coordination of educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for African Americans of all ages; (2) efforts to increase the participation of the African American community and institutions that serve the African American community in the Department's programs and in education programs at other agencies; (3) efforts to engage the philanthropic, business, nonprofit, and education communities in a national dialogue on the mission and objectives of this order; and (4) the establishment of partnerships with public, private, philanthropic, and nonprofit stakeholders to meet the mission and policy objectives of its Executive Order.

Agenda

The Commission will discuss possible strategies to meet its duties under its Executive Order and charter. National speakers and experts have been invited to discuss initiatives that are working collaboratively to engage students, families, communities, institutions, corporations and philanthropy in meaningful education reform discussions and solution-building to ensure educational equity for African American students.

Individuals interested in attending the meeting must register by Friday, April 9, 2014 because seating is limited. Please contact Kimberly Watkins-Foote at (202) 260–8197 or by email at *Kimberly.Watkins-Foote@ed.gov.* Individuals needing accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify Kimberly Watkins-Foote, White House Initiative on Educational Excellence on African Americans, at (202) 260–8197, no later than Friday, April 9, 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.

An opportunity for public comment is available on Friday, April 18, 2014, from 3:30 p.m.–4:00 p.m. Individuals who wish to provide comments will be allowed three to five minutes to speak. Those members of the public interested in submitting written comments may do so by submitting them to the attention of Kimberly Watkins-Foote, White House Initiative on Educational Excellence for African Americans, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202, by Friday, April 9, 2014.

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 African Americans, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC, 20202, Monday through Friday (excluding federal holidays) during the hours of 9:00 a.m. to 5:00 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 the following site: *www.ed.gov/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 1–866–512–1800; or in the Washington, DC, area at 202–512–1800.

Dated: March 27, 2014.

Jamienne S. Studley,

Acting Under Secretary, U.S. Department of Education.

[FR Doc. 2014–07408 Filed 4–1–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice of an altered system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Chief Operating Officer for Federal Student Aid (FSA) of the Department of Education (Department) publishes this notice to revise the system of records entitled ''National Student Loan Data System (NSLDS)'' (18–11–06).

The Department revises to make necessary updates to the heading entitled ''SYSTEM LOCATION'' resulting from the Department's review of the system of records notice and to the heading entitled ''CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM'' in response to comments that the Department received regarding the Department's proposed revisions to the NSLDS system of records.

The Office of Management and Budget (OMB) Circular A–130, Appendix I, indicates that minor changes to systems of records need not be reported. In this notice, we are making minor changes to the NSLDS system of records, as explained in the **SUPPLEMENTARY INFORMATION** section. Therefore, the Department has not filed a report describing the altered system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, or the Administrator of the Office of Information and Regulatory Affairs, OMB.

DATES: This altered system of records will become effective April 2, 2014.

FOR FURTHER INFORMATION CONTACT: Director, NSLDS Systems, Operations and Aid Delivery Management Services, FSA, U.S. Department of Education, UCP, 830 First Street NE., room 41F1, Washington, DC 20202–5454. Telephone: 202–377–3547.

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:

Introduction

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (11)) requires the Department to publish this notice of an altered system of records in the **Federal Register**. The Department's regulations implementing the Privacy Act are in the Code of Federal Regulations (CFR), in 34 CFR part 5b.

The Privacy Act applies to information about an individual that is maintained in a system of records from which information is retrieved by a unique identifier associated with each individual, such as a name or Social Security number (SSN). The information about each individual is called a ''record,'' and the system, whether manual or computer-based, is called a ''system of records.''

The Privacy Act requires each Federal agency to publish a notice of a new or altered system of records in the **Federal Register** and to prepare, whenever the agency publishes a new system of records or makes a significant change to an established system of records, a report to the Chair of the Committee on Oversight and Government Reform of the House of Representatives, the Chair of the Committee on Homeland Security and Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, OMB. A significant change must be reported whenever an agency expands the types or categories of information maintained, significantly expands the numbers, types, or categories of

individuals about whom records are maintained, changes the purposes for which the information is used, changes equipment configuration in a way that creates substantially greater access to the records, or adds a routine use disclosure to the system. The Department has not filed a report describing the altered system of records covered by this notice because the changes we are making are minor.

Revisions

On June 28, 2013, the Department published a notice of an altered system of records for NSLDS in the **Federal Register** (78 FR 38963) and requested comments on those revisions. We received a comment in response to the June 2013 NSLDS system of records notice; in part, the commenter objected that the Department does not have the legal authority to maintain in NSLDS the records of students who do not receive aid under the title IV of the Higher Education Act of 1965, as amended (HEA) and who attended, or who are attending, a gainful employment program at a postsecondary educational institution. We are revising the CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM section of the NSLDS system of records notice to clarify that the Department no longer will collect or maintain records of students who do not receive aid under title IV of the HEA and who attended, or who are attending a gainful employment program at a postsecondary educational institution in this system of records. The commenter also noted that we made a minor error in listing the date that the NSLDS was originally published in the **Federal Register** as being on December 27, 1999 (this was instead a date on which the NSLDS system of records notice was republished in full). The Department should have explained that the original system of records notice for NSLDS was published on June 29, 1994 (59 FR 33491), and altered on December 20, 1994 (59 FR 65532). We appreciate the commenter calling our attention to this and note that the full citation should read as follows: National Student Loan Data System (NSLDS)'' (18–11–06), originally published on June 29, 1994 (59 FR 33491–33494), altered on December 20, 1994 (59 FR 65532–65535), republished on December 27, 1999 (64 FR 72395–72397), altered on September 7, 2010 (75 FR 54331–54336), altered on June 24, 2011 (76 FR 37095–37100), and most recently altered on June 28, 2013 (78 FR 38963–38969).

In addition, as a result of the Department's internal review of the system of records, we have determined that we because the Department cannot retrieve records from NSLDS back-up tapes using individual identifiers. Consequently, the Department's back-up tapes should not have been listed as being part of the NSLDS system of records, as that term is defined in section (a)(5) of the Privacy Act of 1974, as amended (5 U.S.C. 552a(a)(5)), and therefore we are deleting the location where the back-up tapes are maintained under the SYSTEM LOCATION section.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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 27, 2014.

James W. Runcie,

Chief Operating Officer, Federal Student Aid.

For the reasons discussed in the preamble, the Chief Operating Officer, Federal Student Aid, of the U.S. Department of Education (Department), publishes a notice of an altered system of records. The following amendments are made to the Notice of Altered System of Records entitled ''National Student Loan Data System (NSLDS)'' (18–11–06), as published in the **Federal Register** on June 28, 2013 (78 FR 38963–38969):

1. On page 38964, third column, under the heading ''SYSTEM LOCATION'', the paragraph is revised to read as follows:

SYSTEM LOCATION:

Dell Perot Systems, 2300 West Plano Parkway, Plano, TX 75075–8247. (This is the computer center for the NSLDS Application Virtual Data Center.)

2. On pages 38964, third column, and 38965, first column, under the heading ''CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM,'' the paragraph is revised to read as follows:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on persons who were recipients of aid under the title IV, Higher Education Act of 1965, as amended (HEA) programs.

This system contains records on borrowers who received loans under the William D. Ford Federal Direct Loan (Direct Loan) Program, the Federal Family Education Loan (FFEL) Program, the Federal Insured Student Loan (FISL) Program, and the Federal Perkins Loan Program (including National Defense Student Loans, National Direct Student Loans, and Perkins Expanded Lending and Income Contingent Loans) (Perkins Loans). The system also contains records on recipients of Federal Pell Grants, Academic Competitiveness Grants (ACG), National Science and Mathematics Access to Retain Talent (National SMART) Grants, Teacher Education Assistance for College and Higher Education (TEACH) Grants, and Iraq and Afghanistan Service Grants, as well as on persons who owe an overpayment on a Federal Pell Grant, an ACG Grant, a National SMART Grant, a Federal Supplemental Educational Opportunity Grant (FSEOG), an Iraq and Afghanistan Service Grant, and a Federal Perkins Loan.

NSLDS further contains student enrollment information for persons who have received title IV, HEA student assistance as well as Master Conduit Loan Program Data, Loan Participation Program (LPP) Data, and loan-level detail on FFEL Subsidized, Unsubsidized, and PLUS loans funded through those programs.

The system also contains records on students who are title IV, HEA recipients and who attended, or who are attending a gainful employment program at a postsecondary educational institution.

The system also contains records on the level of study, CIP code, and published length of an educational program in which a student receiving title IV, HEA Federal student aid is enrolled to limit his or her eligibility for Direct Subsidized Loans to no more than 150 percent of the published length of the educational program in which the student is enrolled, and to determine the periods for which a borrower who enrolls after reaching the 150 percent limit will be responsible for the

accruing interest on outstanding Direct Subsidized Loans.

[FR Doc. 2014–07294 Filed 4–1–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

State Energy Advisory Board (STEAB)

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

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat.770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 17, 2014 from 3:30 p.m. to 4:00 p.m. (EDT). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer (DFO) at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Julie Hughes, STEAB Designated Federal Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington DC 20585. Phone number 202–320–9703, and email at: *Julie.Hughes@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Follow-up from March's in-person live Board meeting, receive STEAB Task Force updates, and look at next-steps and action items to maintain momentum.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Julie Hughes at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *www.steab.org.*

Issued at Washington, DC, on March 26, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–07355 Filed 4–1–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. VHE–002]

Notice of Petition for Waiver and Grant of Interim Waiver of Empire Comfort Systems From the DOE Vented Home Heating Equipment Test Procedure

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

ACTION: Notice of Petition for Waiver, Granting of Application for Interim Waiver, and Request for Public Comments.

SUMMARY: This notice announces receipt of and publishes the Empire Comfort Systems Inc. (Empire) petition for waiver from the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of vented home heating equipment. The waiver request pertains to Empire's specified models of condensing-type vented heaters. The existing test procedure does not apply to condensing heaters. Empire asks that it be permitted to use the DOE test procedure proposed in the Notice of Proposed Rulemaking (NOPR) for Direct Heating Equipment and Pool Heaters published in the **Federal Register** on October 24, 2013 (78 FR 63410), as an alternate test procedure to account for the energy consumption of its condensing-type direct heating equipment (DHE) models. DOE notes that only one of the basic model numbers submitted in the petition is a covered product subject to the test methods for vented home heating equipment. Today's notice also grants Empire an interim waiver from the DOE test procedure applicable to direct heating equipment for the one basic model number properly included in the petition, subject to use of the alternative test procedure set forth in this notice. DOE solicits comments, data, and information concerning Empire's petition and the suggested alternate test procedure.

DATES: DOE will accept comments, data, and information with respect to the Empire Petition until, but no later than May 2, 2014.

ADDRESSES: You may submit comments, identified by case number VHE–002, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: AS_Waiver_Requests@ee.doe.gov.* Include the case number [Case No. VHE–002] in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.
- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. VHE–002, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–2945. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

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

For further information on how to submit a comment, or review other public comments and the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Office, Mail Stop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *Bryan.Berringer@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0103. Telephone: (202) 586–9507. Email: *Eric.Stas@hq.doe.gov.*

For information on how to submit or review public comments, contact Ms.

Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–2945. Email: *Brenda.Edwards@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances, which includes the vented home heating equipment that is the focus of this notice.[2] Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results which measure the energy efficiency, energy use, or estimated annual operating costs of a covered product, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for vented home heating equipment is contained in 10 CFR part 430, subpart B, appendix O, *Uniform Test Method for Measuring the Energy Consumption of Vented Home Heating Equipment.*

The regulations set forth at 10 CFR 430.27 contain provisions that enable a person to seek a waiver from the test procedure requirements for covered products. The Assistant Secretary for Energy Efficiency and Renewable Energy (the Assistant Secretary) will grant a waiver if it is determined that the basic model for which the petition for waiver was submitted contains one or more design characteristics that prevents testing of the basic model according to the prescribed test procedures, or if the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(l). Petitioners should include in their petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. The Assistant Secretary may grant the waiver subject to conditions, including adherence to alternate test procedures. *Id.* Waivers remain in effect pursuant to the provisions of 10 CFR 430.27(m).

The waiver process also allows the Assistant Secretary to grant an interim waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures if it is determined that the applicant will experience economic hardship if the application for interim waiver is denied, if it appears likely that the petition for waiver will be granted, and/or if the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 430.27(a)(2) and (g). An interim waiver remains in effect for a period of 180 days or until DOE issues its determination on the petition for waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary. 10 CFR 430.27(h).

II. Petition for Waiver of Test Procedure and Application for Interim Waiver

On January 20, 2014, Empire filed a petition for waiver for condensing-type direct heating equipment models from the test procedure applicable to vented home heating equipment set forth in 10 CFR part 430, subpart B, appendix O.[3] In its petition, Empire seeks a waiver from the existing DOE test procedure for its vented gas heaters and fireplace systems under 10 CFR part 430 because Empire asserts that the existing test procedure does not account for condensing-type heating equipment. Empire seeks to use the test method proposed by DOE in a NOPR for Direct Heating Equipment and Pool Heaters published in the **Federal Register** on October 24, 2013 (78 FR 63410) (hereinafter the ''October 2013 NOPR''), as an alternate test procedure to account for the energy consumption of its condensing-type DHE models. That notice, in relevant part, defines the term ''condensing vented heater'' and provides a method for testing these devices.

DOE notes that of the eight basic model numbers set forth in Empire's petition, only one (PVS (18, 35)(K)(N)(P)) qualifies as a covered DHE product. The remaining seven basic models (which are fireplaces, fireplace inserts, or stoves) are hearth products and are, therefore, subject to neither the test procedure requirements of 10 CFR part 430, subpart B, appendix O nor the proposed requirements of the October 2013 NOPR.[4] Therefore, only one of the basic models submitted in the petition was considered for waiver. For the remaining basic models, since testing of hearth products is not required under DOE regulations at this time, there is no need to consider a waiver for such models. However, if Empire chooses to conduct testing to make representations regarding the energy efficiency of these products, the company is free to use any test procedure it deems appropriate.

Empire also requests an interim waiver from the existing DOE test procedure for immediate relief. As noted above, an interim waiver may be granted if it is determined that the applicant will experience economic hardship if the application for interim waiver is denied, if it appears likely that the petition for waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 430.27(g).

DOE has determined that Empire's application for interim waiver does not provide sufficient market, equipment price, shipments, and other manufacturer impact information to

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[2] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

[3] On July 21, 2011, Empire originally filed a petition for waiver from the DOE test procedure for residential vented home heating equipment for specified condensing-type direct heating equipment models applicable to its Mantis vented gas fireplace systems. The DOE test procedure in appendix O has no provisions for testing condensing-type direct heating equipment. On November 3, 2011, DOE published the Empire petition for waiver (Case No. VHE–001) from the vented home heating equipment test procedure in the **Federal Register** (76 FR 68180). The notice provided for the submission of comments by December 5, 2011. Because all known manufacturers of domestically-marketed units of the same product type were not timely notified that DOE published the Petition for Waiver, DOE determined that re-opening of the public comment period was appropriate. On February 1, 2012, DOE published a notice of re-opening of public comment period in the **Federal Register** (77 FR 5001) with the comment period ending on March 2, 2012. DOE received no comments during the initial petition for waiver nor during the re-opening of public comment period. In the January 20, 2014 request, Empire stated that the list of models in the original waiver submitted to DOE on July 21, 2011 is no longer accurate and is superseded by its latter petition. Thus, DOE has withdrawn the petition under Case No. VHE–001.

[4] On February 8, 2013, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued a decision vacating the DOE definition of ''Vented hearth heater'' at 10 CFR 430.2, and remanded the issue to DOE to interpret the challenged provisions consistent with the court's opinion. *Hearth, Patio & Barbecue Association* v. *U.S. Department of Energy,* 706 F.3d 499, 509 (D.C. Cir. 2013). Since that time, DOE has published a proposed coverage determination that would classify all hearth products as a new covered product pursuant to 42 U.S.C. 6292(a)(20) and (b). 78 FR 79638 (Dec. 31, 2013).

permit DOE to evaluate the economic hardship Empire might experience absent a favorable determination on its application for interim waiver. DOE understands, however, that absent an interim waiver, the basic model submitted by Empire that qualifies as a covered product could not be tested and rated for energy consumption on a basis representative of its true energy consumption characteristics. It is in the public interest to have similar products tested and rated for energy consumption on a comparable basis, where possible. Furthermore, DOE has determined that Empire is likely to succeed on the merits of its petition for waiver and that it is desirable for public policy reasons to grant immediate relief. Empire requests to use the test method proposed by DOE in the October 2013 NOPR as an alternate test procedure to account for the energy consumption of its condensing-type direct heating equipment models; that notice, in relevant part, defines the term ''condensing vented heater'' and provides a method for testing these devices, thereby providing a suitable vehicle for testing these products and making representations as to their energy efficiency.

III. Interim Waiver Granted

For the reasons stated above, DOE grants Empire's application for interim waiver from testing of its condensing vented gas heater system. DOE cannot grant Empire's application for interim waiver of its vented hearth products, as these products do not meet the definition of direct heating equipment. Therefore, *it is ordered that:*

The application for interim waiver filed by Empire is hereby granted for Empire's condensing vented gas heater system, subject to the following specifications and conditions below. Empire shall not be required to test its condensing vented gas heater system on the basis of the test procedure at 10 CFR part 430, subpart B, appendix O, but instead, it shall be required to test and rate that system according to the alternate test procedure as set forth in section IV, ''Alternate test procedure.'' Testing is not required at this time for all other basic models listed in the petition that refer to hearth products (*i.e.,* those that are fireplaces, fireplace inserts, or stoves), although if Empire elects to test such models, it may use an appropriate test procedure of its choosing.

Specifically, the interim waiver applies to the following basic model (condensing vented heater):
PVS (18,35) (K)(N)(P)

The interim waiver does not apply to the following basic models (condensing fireplaces, fireplace inserts, and stoves):
FG28BM (K)(N)(P)
IG28BM (N)(P)
BF28 (B,C,G)M(K)(N)(P)
BP28 (B,C,G)M(K)(N)(P)
BI28 (B,C,G)M(K)(N)(P)
FF28BM (K)(N)(P)
FI28BM (N)(P)

DOE makes decisions on waivers and interim waivers for only those models specifically set out in the petition, not future models that may be manufactured by the petitioner. Empire may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional models of vented gas heater systems for which it seeks a waiver from the DOE test procedure. In addition, DOE notes that granting of an interim waiver or waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429.

Further, this interim waiver is conditioned upon the presumed validity of statements, representations, and documents provided by the petitioner. DOE may revoke or modify this interim waiver at any time upon a determination that the factual basis underlying the petition for waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

IV. Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures to make representations about the energy consumption and energy consumption costs of products covered by the statute. (42 U.S.C. 6293(c)) Consistent representations are important for manufacturers to use in making representations about the energy efficiency of their products and to demonstrate compliance with applicable DOE energy conservation standards, as well as for consumers who rely upon such representations in making purchasing decisions. Pursuant to its regulations applicable to waivers and interim waivers from applicable test procedures at 10 CFR 430.27, DOE will consider setting an alternate test procedure for Empire in a subsequent Decision and Order.

During the period of the interim waiver granted in this notice, Empire shall test the product listed above according to the test procedures for condensing vented heaters proposed by DOE in the NOPR test procedure rule published October 24, 2013 (78 FR 63410). At this time, testing is not required for hearth products (*e.g.,* fireplaces, fireplace inserts, or stoves), and these products are not covered by the test procedure at 10 CFR part 430, subpart B, appendix O, or the October 2013 NOPR. If Empire elects to test hearth product models, it may use an appropriate test procedure of its choosing.

V. Summary and Request for Comments

Through today's notice, DOE announces receipt of Empire's petition for waiver from the DOE test procedure for vented home heating equipment and grants Empire an interim waiver from the test procedure for its PVS (18, 35)(K)(N)(P) condensing direct heater model. DOE publishes Empire's petition for waiver in its entirety. The petition does not contain confidential information. The petition includes a suggested alternate test procedure to determine the energy efficiency of Empire's specified condensing direct heaters. DOE has required use of this alternate test procedure as a condition of its grant of interim waiver and is considering including this alternate procedure in its subsequent Decision and Order.

DOE solicits comments from interested parties on all aspects of the petition, including the suggested alternate test procedure and calculation methodology. Any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is: Mr. Kenneth J. Belding, Vice President—Delivery Support Services, Empire Comfort Systems, Inc., 918 Freeburg Avenue, Belleville, Illinois 62220–2623. All submissions received must include the agency name and case number for this proceeding. Submit electronic comments in WordPerfect, Microsoft Word, Portable Document Format (PDF), or text (American Standard Code for Information Interchange (ASCII)) file format and avoid the use of special characters or any form of encryption. Wherever possible, include the electronic signature of the author. DOE does not accept telefacsimiles (faxes).

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies to DOE: one copy of the document marked ''confidential'' with all of the information believed to be confidential included, and one copy of the document marked ''non-confidential'' with all of the information believed to be confidential deleted. DOE will make its own determination about the

confidential status of the information and treat it according to its determination.

Issued in Washington, DC, on March 26, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

From: Ken Belding [mailto:[redacted]]

Sent: Monday, January 20, 2014 05:44 PM

To: Armstrong, Ashley

Cc: Cymbalsky, John

Subject: FW: RE: Test Procedures for Direct Heating Equipment (DHE) and Pool Heaters; RIN 1904-AC94 Docket # EERE-2013-BT-TP-0004

Dear Ms. Armstrong,

Thank you for your timely response to my earlier note, we appreciate it.

As you are aware, the prescribed test procedure for Empire Comfort Systems high efficiency models that produce condensate from the products of combustion evaluates the basic model in a manner as to be unrepresentative of it's true energy consumption characteristics so as to provide materially inaccurate comparative data. Because of this, it is our desire to use the revised test procedure for condensing Direct Heating Equipment (DHE) as soon as possible.

The list of models in the original waiver we submitted to the DOE is no longer accurate. The revised, accurate list is below.

This is our official request for the DOE to issue us a waiver/interim waiver as soon as possible.

We also understand that we potentially will need to retest for efficiency certification when the final testing methodology is released by the DOE.

Ashley, is it possible for you to let us know how quickly the waiver/interim waiver could be granted? We have been at this for more than 2 years and are obviously anxious to get the real efficiency numbers for our product to the market. As always we appreciate your effort on our behalf.

Model numbers needing a waiver:

PVS (18,35) (K)(N)(P)
FG28BM (K)(N)(P)
IG28BM (N)(P)
BF28 (B,C,G)M(K)(N)(P)
BP28 (B,C,G)M(K)(N)(P)
BI28 (B,C,G)M(K)(N)(P)
FF28BM (K)(N)(P)
FI28BM (N)(P)

Thank you ,

Ken Belding
VP Delivery Support Services

Empire Comfort Systems
ph. 800 851 3153
fax 800 443 8648

[FR Doc. 2014–07362 Filed 4–1–14; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2179–043]

Merced Irrigation District; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New License.

b. *Project No.:* 2179–043.

c. *Date filed:* February 27, 2012.

d. *Applicant:* Merced Irrigation District (Merced ID).

e. *Name of Project:* Merced River Hydroelectric Project.

f. *Location:* The existing project is located on the Merced River in Merced and Mariposa counties, California. The project would occupy 3,152.9 acres of federal land managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825.

h. *Applicant Contact:* Merced Irrigation District, P.O. Box 2288, Merced, CA 95344; Telephone (209) 722–5761.

i. *FERC Contact:* Matt Buhyoff, (202) 502–6824 or *matt.buhyoff@ferc.gov.*

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2179–043.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The project consists of two developments:

New Exchequer Development—(1) New Exchequer Dam—a 490 feet-high dam with a crest length of 1,220 feet and a crest elevation of 879 feet; (2) an ogee-type concrete spillway located about one mile north of New Exchequer dam in a saddle; (3) an earth and rock dike 62-feet-high and 1,500-feet-long located in a saddle about 0.75 mile north of New Exchequer dam; (4) Lake McClure—a reservoir formed by New Exchequer dam with normal maximum water surface elevation of 867 feet msl, a gross storage capacity of 1,024,600-acre-feet, a surface area of 7,110 acres, and a shoreline length of about 82 miles; (5) an intake located near the north end of the dam and approximately 382 feet deep at full pool; (6) a 383 feet-long, 18-feet-diameter concrete-lined power tunnel leading from the intake to McSwain reservoir north of New Exchequer powerhouse; (7) a 982-feet-long, 16-feet-diameter concrete-encased steel penstock that leads to; (8) a powerhouse with one vertical Francis turbine with a capacity of 94.5 MW, located at the base of New Exchequer dam releasing directly into McSwain reservoir; (9) a switchyard located adjacent to New Exchequer powerhouse and; (10) four developed recreation facilities (McClure Point, Barrett Cove, Horseshoe Bend, and Bagby) with 515 camping units, 4 boat launch facilities, boat rentals, showers, 28 comfort stations, 3 swimming lagoons, 2 marinas, gas and oil service stations, 186 water-electrical campsite hookups, washers and dryers, 117 picnic units and fish cleaning stations.

McSwain Development—(1) McSwain dam—located 6.3 miles downstream from New Exchequer dam, an 80 feet-high embankment structure, with a crest length of 1,620 feet and a crest elevation of 425 feet; (2) an ungated concrete overflow spillway located in a flat ridge on the southeast side of the dam, including two sections: A 150-feet-long section with a crest elevation at 402 feet, and a 475-feet-long section with a crest elevation at 400 feet; (3) McSwain reservoir—a 4.8 miles-long reservoir with a normal maximum water surface elevation at 400 feet msl, a maximum depth of 66 feet, a gross storage capacity of 9,730 acre-feet, a surface area of 310 acres, and a shoreline length of about 12.5 miles; (4) an intake located on the north end of the dam and approximately 39 feet below the reservoir's normal minimum water surface elevation; (5) a 160 feet-long, 9–feet-diameter, low-level powerhouse-bypass pipe leading from the power tunnel intake, through the dam, directly to Pacific Gas and Electric Company's (PG&E) Merced Falls reservoir (FERC No. 2467); (6) a 15-feet-diameter and 160-feet-long penstock leading a powerhouse with a single vertical Kaplan turbine with a capacity of 9.0 MW, located at the base of McSwain dam, and releasing into Merced Falls reservoir; (7) a switchyard located adjacent to McSwain powerhouse, and; (8) one developed recreation facility with 99 camping units, 1 boat launch facility, boat rentals, showers, 5 comfort stations, a swimming lagoon, marina, gas and oil, 65 water-electrical campsite hookups, washers and dryers, 48 picnic units, a concession store, and fish cleaning stations.

The Merced River Project has a dependable capacity of 103.5 MW and an annual average generation of approximately 385 GWh. Merced ID is not proposing any structural changes to the project. However, Merced ID is proposing to remove from the project, but retain in operation outside the license, seven water delivery facilities, which function, in part, to deliver water to a wildlife refuge. Merced ID is also proposing capital improvements to recreation areas at 5 existing recreation sites, as well as the development of a new non-motorized recreation area along the west shore of Lake McClure.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC

Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. 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, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''PRELIMINARY TERMS AND CONDITIONS,'' or ''PRELIMINARY FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR. 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:*

The application will be processed in conjunction with the Merced Falls Hydroelectric Project application (P–2467–020) and according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	May, 2014.
Commission issues Draft EA or EIS.	November, 2014.
Comments on Draft EA or EIS.	January, 2015.
Modified Terms and Conditions.	March, 2015.
Commission Issues Final EA or EIS.	June, 2015.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: March 24, 2014.

Kimberly D. Bose,

Secretary .

[FR Doc. 2014–07305 Filed 4–1–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12455–011]

Borough of Lehighton, Pennsylvania; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Types of Proceeding:* Surrender of License.

b. *Project No.:* 12455–011.

c. *Date Filed:* March 4, 2014.

d. *Licensee:* Borough of Lehighton, Pennsylvania.

e. *Name of Project:* Beltzville Hydroelectric Project.

f. *Location:* The unconstructed project was to be connected to the U.S. Army Corps of Engineers Beltzville dam which is located on Pohopoco Creek about 5 miles upstream of its confluence with the Lehigh River, and approximately 4 miles northeast of the Borough of Lehighton in Carbon County, Pennsylvania.

g. *Filed Pursuant to:* 18 CFR 6.2.

h. *Licensee Contact:* Nicole Beckett, Manager, Borough of Lehighton, Borough Hall, 1 Constitutional Avenue, Lehighton, PA 18235.

i. *FERC Contact:* Ms. Krista Sakallaris, (202) 502–6302, *Krista.Sakallaris@ferc.gov.*

j. Deadline for filing comments and protests is 30 days from the issuance of this notice by the Commission. Please file your submittal electronically via the Internet (eFiling) in lieu of paper. Please refer to the instructions on the Commission's Web site under *http://www.ferc.gov/docs-filing/efiling.asp* and filing instructions in the Commission's Regulations at 18 CFR section 385.2001(a)(1)(iii). To assist you with eFilings you should refer to the submission guidelines document at *http://www.ferc.gov/help/submission-guide/user-guide.pdf.* In addition, certain filing requirements have statutory or regulatory formatting and other instructions. You should refer to a list of these ''qualified documents'' at *http://www.ferc.gov/docs-filing/efiling/filing.pdf.* You must include your name and contact information at the end of your comments. Please include the project number (P–12455–011) on any documents or motions filed. The Commission strongly encourages electronic filings; otherwise, you should submit an original and seven copies of any submittal to the following address: The Secretary, Federal Energy Regulatory Commission, Mail Code: DHAC, PJ–12, 888 First Street NE., Washington, DC 20426.

k. *Description of Proceeding:* On March 4, 2014, the Borough of Lehighton, Pennsylvania filed a letter stating that the Lehighton Borough Council decided to no longer pursue the Beltzville hydroelectric project. The licensee has not started construction and no ground disturbance has occurred at the project. As such, the surrender of the licensee's license is an administrative action.

l. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the Docket number (P–12455–011) excluding the last three digits in the docket number field to access the notice. 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 toll-free 1–866–208–

3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: March 24, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–07308 Filed 4–1–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2467–020]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New License.

b. *Project No.:* 2467–020.

c. *Date filed:* February 8, 2012.

d. *Applicant:* Pacific Gas and Electric Company (PG&E).

e. *Name of Project:* Merced Falls Hydroelectric Project.

f. *Location:* The existing project is located on the Merced River on the border of Merced and Mariposa counties, California, immediately downstream of the Merced River Hydroelectric Project (FERC No. 2179), operated by the Merced Irrigation District (Merced ID). The project would occupy 1.62 acres of Federal land managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825.

h. *Applicant Contact:* Pacific Gas and Electric Company, Power Generation, P.O. Box 770000, MC N11C, San Francisco, CA 94177–0001; Telephone (415) 973–7000.

i. *FERC Contact:* Matt Buhyoff, (202) 502–6824 or *matt.buhyoff@ferc.gov.*

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2467–020.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The existing Merced Falls Hydroelectric Project consists of: (1) A concrete gravity dam with a structural height of 34 feet, and a crest length of 575 feet; (2) three radial gates, each 20 feet in length and 13.5 feet high; (3) a one-mile long project impoundment has approximately 900 acre-feet of storage capacity, a useable storage capacity of approximately 579 acre-feet, a total surface area of approximately 65 acres; and a normal impoundment elevation of 344 feet msl; (4) a powerhouse housing a 3.4-megawatt (MW) turbine/generator unit and a vertical Kaplan-type four blade turbine; (5) a 1,000-feet long earthen levee with a crest width of eight feet; (6) an adjacent intake structure with a debris rack, and; (7) a non-operable fish ladder.

The Merced Falls Project is operated in a run-of-river mode dependent on water outflow from Merced ID's upstream Merced River Project. Inflow to the project passes through the impoundment, which is kept at a constant water elevation and then either through the powerhouse or through the dam's radial gates. Flows of up to approximately 1,750 cubic feet per second (cfs) are diverted through the powerhouse, and then discharged to the Merced River via the tailrace. When inflows exceed 2,200 cfs, the project spills water. During flood events with

flows greater than 12,250 cfs, the needle beams can be dropped, allowing the 575-feet concrete section of the dam to act as a spillway. Power is transmitted via underground cable to a non-project switchyard located adjacent to the powerhouse.

The project has a dependable capacity of 1.7 MW and an annual average generation of approximately 13.5–GWh (gigawatt-hours). PG&E is not proposing any new or upgraded facilities or structural changes to the project. PG&E does propose to modify the project boundary by removing approximately 4.8 acres of project lands, which PG&E indicates are not needed for project purposes.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. 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, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''PRELIMINARY TERMS AND CONDITIONS,'' or ''PRELIMINARY FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:*

The application will be processed in conjunction with the Merced River Hydroelectric Project application (P–2179–042) and according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	May, 2014.
Commission issues Draft EA or EIS.	November, 2014.
Comments on Draft EA or EIS.	January, 2015.
Modified Terms and Conditions.	March, 2015.
Commission Issues Final EA or EIS.	June, 2015.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: March 24, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–07306 Filed 4–1–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[EG14–16–000, EG14–17–000, et al.]

Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status

Fortistar North Tonawanda Inc.	EG14–16–000
RE Clearwater LLC	EG14–17–000
RE Columbia Two LLC	EG14–18–000
Border Winds Energy, LLC ...	EG14–19–000
Pleasant Valley Wind, LLC ..	EG14–20–000
SG2 Imperial Valley LLC	EG14–21–000
Macho Springs Solar, LLC	EG14–22–000
Des Moulins Wind Power L.P.	FC14–11–000
Tropical BioEnergia S.A.	FC14–12–000

Take notice that during the month of February 2014, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: March 24, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–07307 Filed 4–1–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–107–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

Take notice that on March 14, 2014, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP14–107–000, a prior notice request pursuant to sections 157.205, 157.208, 157.210 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and National Fuel's blanket certificate authorized in Docket No. CP83–4–000. National Fuel seeks authorization to construct approximately 4.72 miles of 16-inch and 20-inch diameter pipelines, offset approximately 25-feet from its existing Line KNY and KM3 pipelines, in Erie and Cattaraugus Counties, New York. National Fuel proposes to

abandon in place the existing 4.72 miles of 20-inch, 1910–1962 vintage bare steel pipe of Lines KNY and KM3, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any questions regarding the applications should be directed to Kenneth E. Webster, Attorney for National Fuel, 6363 Main Street, Williamsville, New York 14221 or call 716–857–7067.

Any person may, within 60 days after the 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. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file 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 protest. If a protest is filed and not withdrawn within 30 days after the time allowed 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.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 24, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–07304 Filed 4–1–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Office of General Counsel; Agency Information Collection Extension

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice and Request for Comments.

SUMMARY: The Western Area Power Administration (Western), an element of the Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years without change, an information collection request with the Office of Management and Budget (OMB). Western's current OMB control number 1910–5136 for its Applicant Profile Data form (APD) expires on September 30, 2014.

DATES: Comments regarding this proposed information collection must be received on or before the end of the comment period that closes on June 2, 2014. Western must receive comments by the end of the comment period to ensure consideration.

ADDRESSES: Written comments may be sent to Mr. Ronald Klinefelter, Assistant General Counsel, Western Area Power Administration, 12155 W. Alameda Parkway, Lakewood, CO 80228 or by email to *PRAComments@wapa.gov.* Please refer to ''Paperwork Reduction Act Information Collection'' as the subject of your comments.

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Ronald Klinefelter, Assistant General Counsel, Western Area Power Administration, 12155 W. Alameda Parkway, Lakewood, CO 80228, telephone (720) 962–7010, or email *PRAComments@wapa.gov.* Western's existing collection instrument, the APD, can be viewed in the Invitation for Public Comments on Western's Web page *ww2.wapa.gov/sites/Western/Documents/APDcomments.pdf.*

SUPPLEMENTARY INFORMATION: This information collection request relates to: (1) OMB No. 1910–5136; (2) Information Collection Request Title: Western Area Power Administration Applicant Profile Data; (3) Type of Review: renewal; (4) Purpose: The proposed collection of information is necessary for the proper performance of Western's functions. Western markets a limited amount of Federal power. Western has discretion to determine who will receive an allocation of Federal power. Due to the high demand for Western's power and limited amount of available power under established marketing plans, Western needs to be able to collect information using the APD to evaluate the entities that apply to receive allocations of Federal power; (5) Annual Estimated Number of Respondents: 33.3; (6) Annual Estimated Number of Total Responses: 33.3; (7) Annual Estimated Number of Burden Hours: 266.7; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $31,564.37.

I. Statutory Authority

Reclamation Laws are a series of laws arising from the Desert Land Act of 1872 and include but are not limited to: the Desert Land Act of 1872, Reclamation Act of 1902, Reclamation Project Act of 1939, and the Acts authorizing each individual project such as the Central

Valley Project Authorizing Act of 1937.[1] The Reclamation Act of 1902 established the Federal reclamation program.[2] The basic principle of the Reclamation Act of 1902 was that the United States, through the Secretary of the Interior, would build and operate irrigation works from the proceeds of public land sales in the sixteen arid Western states (a seventeenth was later added). The Reclamation Project Act of 1939 expanded the purposes of the reclamation program and specified certain terms for contracts that the Secretary of the Interior enters into to furnish water and power.[3] Congress enacted the Reclamation Laws for purposes that include enhancing navigation, protection from floods, reclaiming the arid lands in the Western United States, and for fish and wildlife.[4] Congress intended the production of power would be a supplemental feature of the multi-purpose water projects authorized under the Reclamation Laws.[5] No contract entered into by the United States for power may impair the efficiency of the project for irrigation purposes.[6] Section 5 of the Flood Control Act of 1944 is read *in pari materia* with Reclamation Laws.[7] In 1977, the Department of Energy Organization Act transferred the power marketing functions of the Department of the Interior to Western.[8] Pursuant to this authority, Western markets Federal hydropower. As part of Western's marketing authority, Western needs to obtain information from interested entities who desire an allocation of Federal power. The Paperwork Reduction Act of 1995 requires Western to obtain a clearance from OMB before collecting this information.[9]

II. This Process Determines the Format of the APD and Is Not a Call for Applications

This public process and the associated **Federal Register** notice only determine the information that Western will collect from an entity desiring to apply for a Federal power allocation. This public process is a legal requirement that Western must comply with before Western can request information from potential preference customers. This public process is not the process whereby interested parties request an allocation of Federal power. The actual allocation of power is outside the scope of this proceeding. Please do not submit a request for Federal power in this process. At a later time, through a separate process, Western will issue a call for applications, as part of its project-specific marketing plans. When Western issues a call for applications, the information Western proposes to collect is voluntary. Western will use the information collected, in conjunction with its project-specific marketing plans, to determine an entity's eligibility and ultimately which entity will receive an allocation of Federal power.

III. Invitation for Comments

Comments are invited on: (1) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated electronic, mechanical or other collection techniques or other forms of information technology.

Dated: March 20, 2014.

Mark A. Gabriel,

Administrator.

[FR Doc. 2014–07365 Filed 4–1–14; 8:45 am]

BILLING CODE 6450–01–P

[1] *See* Ch. 107, 19 stat. 377 (1872), Ch. 1093, 32 Stat. 388 (1902), Ch, 418, 53 Stat. 1187 (1939), ch. 832, 50 Stat. 844, 850 (1937), all as amended and supplemented.

[2] *See,* Ch. 1093, 32 Stat. 388, as amended and supplemented.

[3] *See,* Ch. 418, 53 Stat. 1187 (1939), as amended and supplemented.

[4] *See, e.g.,* Ch. 832, 50 Stat. 844, 850 (1937), as amended and supplemented.

[5] *See, e.g.,* Ch. 832, 50 Stat. 844, 850 (1937), as amended and supplemented.

[6] *See,* 43 U.S.C. 485h(c).

[7] *See* Act of December 22, 1944, Ch. 665, 58 Stat. 887, as amended and supplemented.

[8] *See,* 42 U.S.C. 7152(a)(1)(E).

[9] *See* 44 U.S.C. 3501, *et seq.*

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0233; FRL–9908–77]

Office of Pesticide Programs; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's Office of Pesticide Programs, the U.S. Department of Agriculture (USDA), and the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services), are holding a one day workshop to provide a forum for stakeholders to offer scientific and technical feedback on the interim approaches that were issued in November 2013 by the EPA, USDA, and the Services in response to the National Academy of Sciences (NAS) report entitled, ''Assessing Risks to Endangered and Threatened Species from Pesticides''. The workshop is an opportunity for stakeholders and agencies to continue their dialogue on the technical aspects of implementing the NAS recommendations, building upon public meetings held in November and December 2013 and the implementation of the enhanced stakeholder engagement process that was finalized in March 2013. The workshop is not designed to, or intended to be a decision-making forum; consensus will not be sought or developed at the meeting. This public meeting furthers the agencies' goal of developing a consultation process for pesticide impacts on listed species that is efficient, inclusive, and transparent.

DATES: The meeting will be held on April 22, 2014 from 9:00 a.m. to 5:00 p.m.

Requests to participate in the meeting must be received on or before April 15, 2014. To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at Office of Pesticide Programs, One Potomac Yard, 2777 S. Crystal Drive, Arlington, Virginia 22202 in the 1st floor conference room. Webinar and teleconference information will be provided to participants requesting access via webinar and telephone.

Requests to participate in the meeting, identified by docket identification (ID) number EPA–HQ–OPP–2014–0233, may be submitted to the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Catherine Eiden, Pesticide Re-evaluation Division (7508P) and the Environmental Fate and Effects Division (7507P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7887; fax number: (703) 308–8005; email address: *eiden.catherine@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you develop, manufacture, formulate, sell, and/or apply pesticide products, and if you are interested in the potential impacts of pesticide use on listed species. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them.

Potentially affected entities may include:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)
- Other stakeholders who have an interest in potential impacts of pesticides on listed species

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0233, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

The workshop is an opportunity for stakeholders and agencies to continue their dialogue on the technical aspects of implementing the NAS recommendations, building upon public meetings held in November and December 2013 and the implementation of the enhanced stakeholder engagement process that was finalized in March 2013. The workshop is not designed, or intended to be a decision-making forum; consensus will not be sought, or developed at the meeting.

Stakeholders will be asked to provide scientific and technical information that could potentially be used by the agencies to inform various scientific determinations that will be made during the course of evaluation pesticides, including:

1. Step 1, otherwise known as the ''May Affect'' threshold identified by NAS;

2. Systematic methods for implementing ''Weight of Evidence'' analysis that consider both quantitative and qualitative data; and

3. The consideration of uncertainty in the scientific assessment process.

While the focus of this public meeting is on the three topics noted in this unit, comments on all aspects of the materials previously provided to the public will be accepted. The agencies' interim approach document entitled, ''Interagency Approach for Implementation of the National Academy of Sciences Report'' (11/13/2013) and the presentation materials from the November 2013 stakeholder workshop are available at the following Web site: *http://www.epa.gov/oppfead1/endanger/2013/nas.html.*

In addition to the scientific and technical information presented by stakeholders, representatives from Federal agencies will join the dialogue to ask clarifying questions of the presenters and to respond to questions regarding the pesticide registration process and Endangered Species Act consultation. The agencies see this forum as an integral component of the stakeholder engagement process developed for pesticide consultations and contributes to the agencies' commitment to adapt and refine the interim approaches as we progress through the initial consultations.

III. How can I request to participate in this meeting?

You may submit a request to participate in this meeting to the person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered CBI. Requests to participate in the meeting, identified by docket ID number EPA–HQ–OPP–2014–0233, must be received on or before April 15, 2014.

List of Subjects

Environmental protection, FIFRA/ESA consultations, Interim approaches, Pesticides, Threatened and endangered species.

Dated: March 25, 2014.

Michael Goodis,

Acting Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–07102 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0137; FRL–9907–18]

Notice of Receipt of Requests for Amendments To Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of request for amendments by registrants to delete uses in certain pesticide registrations. FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any request in the **Federal Register**.

DATES: The deletions in Table 1 of Unit II, are effective May 2, 2014, because the registrants requested a waiver of the 180-day comment period, unless the Agency receives a written withdrawal request on or before May 2, 2014. The Agency will consider a withdrawal request postmarked no later than May 2, 2014. The deletions in Table 2 of Unit II, are effective September 29, 2014, unless the Agency receives a written withdrawal request on or before September 29, 2014. The Agency will consider a withdrawal request postmarked no later than September 29, 2014.

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant in Table 1 of Unit II, before May 2, 2014, for the registrants that requested a waiver of the 180-day comment period. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant in Table 2 of Unit II, before September 29, 2014.

ADDRESSES: Submit your withdrawal request, identified by docket identification (ID) number EPA–HQ–OPP–2014–0137, by one of the following methods:

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0137, is available either electronically through *http://www.regulations.gov* or in hard copy at the OPP Docket in the Environmental Protection Agency Docket Center (EPA/DC), located in EPA West, Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This notice announces receipt by the Agency of applications from registrants to delete uses in certain pesticide registrations. These registrations are listed in Table 1 & Table 2 of this unit by registration number, product name, active ingredient, and specific uses deleted.

TABLE 1—REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Registration No.	Product name	Active ingredient	Delete from label
400–583	Captan Technical	Captan	All foliar uses, except for Seed Treatment.
88541–1	Willowood Lambda-Cyhalothrin Technical.	Lambda-Cyhalothrin	Residential uses.

Users of these products in Table 1 of this unit, who desire continued use on crops or sites being deleted should contact the applicable registrant before May 2, 2014, because the registrants requested a waiver of the 180-day comment period, to discuss withdrawal of the application for amendment. This 30-day period will also permit interested members of the public to intercede with registrants prior to the Agency's approval of the deletion.

TABLE 2—REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Registration No.	Product name	Active ingredient	Delete from label
1021–1704	Pyrocide Liquid Pet Spray 7418	MGK 264, Pyrethrins (No Inert Use) & Pyriproxyfen.	Commercial uses.
1021–1710	Multicide Flying Insect Killer 27471	MGK 264, Piperonyl butoxide & Prallethrin.	Residential uses.

Users of these products in Table 2 of this unit, who desire continued use on crops or sites being deleted should contact the applicable registrant before September 29, 2014, to discuss withdrawal of the application for amendment. This 180-day period will also permit interested members of the public to intercede with registrants prior to the Agency's approval of the deletion.

Table 3 of this unit includes the names and addresses of record for all registrants of the products listed in Table 1 & Table 2 of this unit, in sequence by EPA company number.

TABLE 3—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Company No.	Company name and address
400	Chemtura Corporation, 199 Benson Road, Middlebury, CT 06749.
88541	Willowood Lambda Cyhalothrin, LLC, Agent: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707.
1021	McLaughlin Gormley King Co., 8810 Tenth Avenue North, Minneapolis, MN 55427.

III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the EPA Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for use deletion must submit the withdrawal in writing to Christopher Green using the methods in **ADDRESSES**. The Agency will consider written withdrawal requests postmarked no

later than May 2, 2014, for the requests that the registrants requested to waive the 180-day comment period and no later than September 29, 2014, for the requests with a 180-day comment period.

V. Provisions for Disposition of Existing Stocks

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 6, 2014.

Michael Hardy,

Acting, Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2014–06957 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9907–68]

Receipt of Test Data Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of test data submitted pursuant to a test rule issued by EPA under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which test data have been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the test data received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kathy Calvo, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8089; email address: *calvo.kathy@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Chemical Substances and/or Mixtures

Information about the following chemical substance and/or mixture is provided in Unit IV.:

2-Oxiranemethanamine, N-[4-(2-oxiranylmethoxy) phenyl]-N-(2-oxiranylmethyl)- (CAS No. 5026–74–4)

II. Authority

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document that announces the receipt of data. The test data received have been added to the docket for the TSCA section 4 test rule that required the test data. Use the document ID number provided in Unit III. to access the test data in the docket for the related TSCA section 4 test rule.

The dockets are available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

IV. Test Data Received

This unit contains the information required by TSCA section 4(d) for the test data received by EPA.

2-Oxiranemethanamine, N-[4-(2-oxiranylmethoxy) phenyl]-N-(2-oxiranylmethyl)- (CAS No. 5026–74–4)

1. *Chemical Use(s):* Resin and synthetic rubber manufacturing; aerospace and parts manufacturing.

2. *Applicable Test Rule:* Testing of Certain High Production Volume Chemicals; Third Group of Chemicals, 40 CFR 799.5089.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data have been added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the document ID numbers provided. EPA reviews of test data will be added to the same docket upon completion.

a. *Physical/Chemical Properties.* Validation of an analytical method (of physical/chemical properties); melting point; boiling point; density; vapor pressure; water solubility; flash point; auto flammability; pH; oxidizing properties; absorption coefficient; dissociation constant; and viscosity . The document ID number assigned to this data is EPA–HQ–OPPT–2009–0112–0233.

b. *Environmental Fate.* Biodegradation in water screening test (Ready Biodegradability (Organization for Economic Cooperation and Development (OECD 301 B)). The document ID number assigned to this data is EPA–HQ–OPPT–2009–0112–0233.

c. *Ecotoxicity.* Toxicity to algae and cyanobacteria test (Fresh Water Algal Growth Inhibition Test (OECD 201)). The document ID number assigned to this data is EPA–HQ–OPPT–2009–0112–0233.

d. *Ecotoxicity.* Long term toxicity to aquatic invertebrates (*Daphnia magna,* Reproduction Test (OECD 211)). The document ID number assigned to this data is EPA–HQ–OPPT–2009–0112–0233.

e. *Ecotoxicity.* Short term toxicity to fish (96-hour Acute Toxicity Study in Carp (OECD 203)). The document ID number assigned to this data is EPA–HQ–OPPT–2009–0112–0233.

f. *Ecotoxicity.* Toxicity to microorganisms (Pseudomonas Cell Multiplication Inhibition Test). The document ID number assigned to this data is EPA–HQ–OPPT–2009–0112–0233.

List of Subjects

Environmental protection, Hazardous substances, Reporting and Recordkeeping requirements.

Dated: March 26, 2014.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–07384 Filed 4–1–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at 202/523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012253.

Title: NMCC/Hoegh Space Charter Agreement.

Parties: Hoegh Autoliners AS and Nissan Motor Car Carrier Co., Ltd. and World Logistics Service (U.S.A.), Inc.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The agreement authorizes the parties to charter space on each other's vessels in the trade between the U.S. East Coast and countries bordering on the Mediterranean, Black, and Red Seas, the Persian Gulf, and the Gulfs of Aden and Oman.

Agreement No.: 012254.

Title: NYK/NMCC North America/Red Sea & Persian Gulf Space Charter Agreement.

Parties: Nippon Yusen Kaisha and Nissan Motor Car Carrier Co., Ltd. and World Logistics Service (U.S.A.), Inc.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The agreement authorizes NYK to charter space to NMCC in the trade between the United States and the Middle East (Jordan, Saudi Arabia, Oman, United Arab Emirates, Bahrain, Qatar, Kuwait, Iraq, and Yemen).

Agreement No.: 012255.

Title: Hoegh/NMCC Space Charter Agreement.

Parties: Hoegh Autoliners AS and Nissan Motor Car Carrier Co., Ltd. and World Logistics Service (U.S.A.), Inc.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The agreement authorizes the parties to charter space on each other's vessels in the trade between Mexico and the U.S. East and Gulf Coasts.

Agreement No.: 012256.

Title: CHE Vessel Sharing Agreement.

Parties: COSCO Container Lines Company, Limited; Hanjin Shipping Co., Ltd.; and Evergreen Line Joint Service Agreement.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The agreement authorizes the parties to charter space on each other's vessels, coordinate sailings, and otherwise cooperate in the carriage of cargo in the trade between China (including Hong Kong), Taiwan, Singapore, Japan, Korea, and Sri Lanka, on the one hand, and the U.S. East Coast, on the other hand.

Agreement No.: 012257.

Title: Zim/Turkon Slot Charter Agreement.

Parties: ZIM Integrated Shipping Services, Ltd. and Turkon Container Transportation & Shipping Inc.

Filing Party: Mark E. Newcomb; ZIM American Integrated Shipping Services Co., LLC; 5801 Lake Wright Dr.; Norfolk, VA 23508.

Synopsis: The agreement authorizes Turkon to charter space to ZIM in the trade between Greece and the U.S. East Coast. The parties have requested expedited review.

By Order of the Federal Maritime Commission.

Dated: March 28, 2014.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–07373 Filed 4–1–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations and Terminations

The Commission gives notice that the following Ocean Transportation Intermediary licenses have been revoked or terminated for the reason indicated pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101) effective on the date shown.

License No.: 000988F.

Name: H.E. Schurig and Co. of Louisiana.

Address: 177 O.K. Avenue, Harahan, LA 70123.

Date Revoked: February 8, 2014.

Reason: Failed to maintain a valid bond.

License No.: 001593N.

Name: Robertson Forwarding Co., Inc.

Address: 7166 NW 12th Street, Miami, FL 33126.

Date Revoked: February 7, 2014.

Reason: Failed to maintain a valid bond.

License No.: 1656F.

Name: Rank Shipping Incorporated.

Address: One Cross Island Plaza, 1st Floor, Suite 127, Rosedale, NY 11422.

Date Revoked: February 22, 2014.

Reason: Failed to maintain a valid bond.

License No.: 10848N.

Name: Prestige Shipping Co., Inc.

Address: 614 Progress Street, Elizabeth, NJ 07201.

Date Revoked: January 31, 2014.

Reason: Failed to maintain a valid bond.

License No.: 017080N.

Name: General Cargo & Logistics.

Address: 17828 S. Main Street, Carson, CA 90248.

Date Revoked: February 11, 2014.

Reason: Failed to maintain a valid bond.

License No.: 018411N.

Name: Merco International, Inc.

Address: 1680 NW 82nd Avenue, Miami, FL 33126.

Date Revoked: February 27, 2014.

Reason: Failed to maintain a valid bond.

License No.: 019065F.

Name: Gonzalez Exporting Corp. dba Goexco.

Address: 5587 NW 72nd Avenue, Miami, FL 33166.

Date Revoked: February 7, 2014.

Reason: Failed to maintain a valid bond.

License No.: 019187F.

Name: Caribbean Logistic & Marketing Services, Inc.

Address: El Naranjal D–5 Calle 3, Toa Baja, Puerto Rico 00949.

Date Revoked: February 27, 2014.

Reason: Failed to maintain a valid bond.

License No.: 019989N.

Name: Alpine Freight Services, Inc.

Address: 4 Winchester, Irvine, CA 92620.

Date Revoked: February 21, 2014.

Reason: Failed to maintain a valid bond.

License No.: 021288N.

Name: Shipping Logistics, LLC.

Address: 3340–C Greens Road, Suite 200, Houston, TX 77032.

Date Revoked: February 25, 2014.

Reason: Voluntary surrender of license.

License No.: 022216F.

Name: Sun US Transport Corp.

Address: 6449 Whittier Blvd., Los Angeles, CA 90022.

Date Revoked: February 9, 2014.

Reason: Failed to maintain a valid bond.

License No.: 022459NF.

Name: A Cargo Inc.

Address: 4634 East Marginal Way South, Suite C–120, Seattle, WA 98134.

Date Revoked: February 20, 2014.

Reason: Failed to maintain valid bonds.

License No.: 023172NF.
Name: Miami Freight & Logistics Services, Inc. dba Miami Global Lines dba Miami Global Freight Lines, Inc.
Address: 3630 NW 76th Street, Miami, FL 33143.
Date Revoked: February 15, 2014.
Reason: Failed to maintain valid bonds.

Sandra L. Kusumoto,
Director, Bureau of Certification and Licensing.

[FR Doc. 2014–07374 Filed 4–1–14; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0022; Docket 2014–0055; Sequence 9]

Information Collection; Federal Acquisition Regulation; Duty-Free Entry

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning duty-free entry.

DATES: Submit comments on or before June 2, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0022, Duty-Free Entry by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0022. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0022, Duty-Free Entry.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0022, Duty-Free Entry'', on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB) 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0022, Duty-Free Entry.

Instructions: Please submit comments only and cite Information Collection 9000–0022, Duty-Free Entry, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Cecelia L. Davis, Procurement Analyst, Acquisition Policy Division, GSA 202–219–0202 or email *Cecelia.davis@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

United States laws impose duties on foreign supplies imported into the customs territory of the United States. Certain exemptions from these duties are available to Government agencies. These exemptions are used whenever the anticipated savings outweigh the administrative costs associated with processing required documentation. When a Government contractor purchases foreign supplies, it must notify the contracting officer to determine whether the supplies should be duty-free. In addition, all shipping documents and containers must specify certain information to assure the duty-free entry of the supplies.

The clause at FAR 52.225–8, Duty-Free Entry, is included in solicitations and contracts for supplies that may be imported into the United States and for which duty-free entry may be obtained in accordance with FAR 25.903(a), if the value of the acquisition (1) exceeds the simplified acquisition threshold; or (2) does not exceed the simplified acquisition threshold, but the savings from waiving the duty is anticipated to be more than the administrative cost of waiving the duty. The contracting officer analyzes the information submitted by the contractor to determine whether or not supplies should enter the country duty-free. The information, the contracting officer's determination, and the U.S. Customs forms are placed in the contract file.

B. Annual Reporting Burden

Respondents: 1,330.
Responses per Respondent: 10.
Total Responses: 13,300.
Hours per Response: .5.
Total Burden Hours: 6,650.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0022, Duty-Free Entry, in all correspondence.

Dated: March 28, 2014.

Karlos Morgan,
Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–07421 Filed 4–1–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0113; Docket 2014–0055; Sequence 6]

Federal Acquisition Regulation; Information Collection; Acquisition of Helium

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning acquisition of helium.

DATES: Submit comments on or before June 2, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0113, Acquisition of Helium, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov*.

Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0113. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0113, Acquisition of Helium'', Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0113, Acquisition of Helium'', on your attached document.

- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0113, Acquisition of Helium.

Instructions: Please submit comments only and cite Information Collection 9000–0113, Acquisition of Helium, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Acquistion Policy Division, via telephone 202–501–1448 or via email *curtis.glover@gsa.gov*.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Helium Act (Pub. L. 86–777) (50 U.S.C. 167a, *et seq.*) and the Department of the Interior's implementing regulations (30 CFR parts 601 and 602) require Federal agencies to procure all major helium requirements from the Bureau of Land Management, Department of the Interior.

FAR 8.5, Acquisition of Helium, and the clause 52.208–8 Required Sources for Helium and Helium Usage Data, requires that the Contractor provide to the Contracting Officer the following data within 10 days after the Contractor or subcontractor receives a delivery of helium from a Federal helium supplier; (i) The name of the supplier; (ii) The amount of helium purchased; (iii) The delivery date(s); and (iv) the location where the helium was used. Such information will facilitate enforcement of the requirements of the Helium Act and the contractual provisions requiring the use of Government helium by agency contractors.

The information is used in administration of certain Federal contracts to ensure contractor compliance with contract clauses. Without the information, the required use of Government helium cannot be monitored and enforced effectively.

The FAR requires that the contractor provide helium purchase information 10 days after delivery from a federal helium supplier, not for the contractor to forecast what they are going to purchase. In consultation with subject matter experts at the Department of the Interior, Bureau of Land Management, Helium Operations, the number of responses per year was verified as being within an acceptable range, as was the average time required to read and prepare information which was estimated at 1 hour per response. No changes to the FAR are necessary.

B. Annual Reporting Burden

Respondents: 26.

Responses Per Respondent: 1.

Total Responses: 26.

Hours per Response: 1.

Total Burden Hours: 26.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0113, Acquisition of Helium, in all correspondence.

Dated: March 28, 2014.

Karlos Morgan,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–07419 Filed 4–1–14; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–New–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before June 2, 2014.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

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–Office of the National Coordinator for Health IT: Office of Consumer eHealth OS–0990–New for reference.

Information Collection Request Title: The Blue Button Connector.

Abstract: The Blue Button Connector is a Web site that helps consumers and patients find their own health information online from the entities that collect their information (ie hospitals, physicians, labs, immunization registries, state health information exchanges etc). The Connector also helps developers build tools that respond to the readiness of the market. It also will provide links to apps and tools for consumers that use structured electronic health data.

Need and Proposed Use of the Information: The site's value will only increase if more healthcare organizations have the ability to list themselves on the Connector as an organization that is providing health data back to patients, a patient's designee or caregivers. For this reason, it is important to enable the capability for organizations to sign up to be listed on the Connector and update their

profile pages on an ongoing basis as they improve their offerings and features to patients. We would like for this capability to exist for no more than 3 years.

Likely Respondents: Any entity providing health services to patients and or collecting health information on consumers which includes but is not limited to: hospitals, physicians, labs, immunization registries, and state health information exchanges. Respondents will also include application developers with the capability to consume health information in a structured format from a patient.

Burden Statement: Organizations that would like to be listed on the Connector will fill out a 3–5 minute survey of nine questions. The survey will ask health data holding organizations to provide basic information about their access capabilities, reach, contact information and links to where patients could go to get their health data. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Providers	2,000	1	3/60	100
Hospitals	500	1	3/60	25
Labs	10	1	3/60	.5
State Immunization Registries	7	1	3/60	.35
Pharmacies	10	1	3/60	.5
State HIEs	15	1	3/60	.75
Total				127

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Deputy, Information Collection Clearance Officer.

[FR Doc. 2014–07350 Filed 4–1–14; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–14–14RJ]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

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; (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. Written comments should be received within 60 days of this notice.

Proposed Project

Community Assessment for Public Health Emergency Response (CASPER)—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC requests a three-year approval for a new Generic Information Collection Request (ICR) for the Community Assessment for Public Health Emergency Response (CASPER). CASPER is an effective public health tool designed to quickly provide low-cost, household-based information about a community's needs and health status in a simple, easy-to-understand format for decision-makers. A CASPER can be conducted any time the public health needs of a community are not well known, including as part of disaster/emergency response to help inform decision making and distribution of resources, or in non-emergency settings to assess the public health needs of a community. In all situations, CASPER provides timely public health information that is essential when engaging in sound public health action.

In order for a CASPER to be initiated by CDC, a state, local, tribal, or territorial jurisdiction must first invite CDC to participate in a CASPER. Communities are identified by local, state, or regional emergency managers and health department officers. The process for conducting a CASPER includes planning and preparation, field work, analysis, and sharing results with stakeholders. Planning can take 24 hours to several months depending on the type of CASPER being conducted. Field work takes approximately five days. Due to emergency situations under which CASPERs are often requested by states (e.g., hurricane response, oil spill), it is important that CDC has the ability to gain urgent approval for data collection.

The CASPER uses a validated statistical methodology that includes a two-stage probability sampling technique to collect information from a representative sample of 210 households in the community. Within the community, 30 clusters (typically census tracts) are selected based on probability proportional to size and, within each cluster, seven households are randomly selected for interview.

Participation in a CASPER questionnaire is voluntary. Consenting participants are not provided incentives

for participating in the survey. Face-to-face interviews, usually taking 30 minutes or less, with one adult (≥ 18 years of age) from a selected household are recorded on paper or in electronic form. In general, yes/no and multiple choice questions are used to collect household level information including, but not limited to, the following categories: Housing unit type and extent of damage to the dwelling, household needs, physical and behavioral health status, perception and response to public health communications, household emergency preparedness, and greatest reported need. While a majority of CASPERs collect only household-level information, there may be instances where the questionnaires are modified to collect a small amount of individual level data.

Participants give verbal consent. Additionally, no data is collected that could link specific questionnaires to house addresses. Separate from the questionnaire, a tracking form is used to record the number of households visited, calculate response rates, and record households that should be revisited because a respondent was unavailable for interview. A complete addresses, including house number, street name, city, state, and zip code, are never recorded on any form. This information is not retained by CDC or entered into any database. There is no way to link data from the tracking form to specific household questionnaires.

Though each CASPER will be different, in general, personally identifying information is not collected. In a minimal number of CASPERs, interview teams may come across households with urgent needs that present an immediate threat to life or health, where calling emergency services immediately is not appropriate. In these instances, the team may refer the household to appropriate services using a referral form that is not attached to the questionnaire. In the scant instances where these forms are utilized, personally identifying information is collected. However, the forms go directly from the field team to the local CASPER coordinator for handling and rapid follow-up. When referral forms are used, the information is never retained by CDC or entered into any database. There is no way to link specific questionnaires to any information on the referral form.

The estimated annualized burden is 1,577 hours. The estimated burden is based on conducting 15 CASPERs per year, interviewing 210 households per CASPER, conducting 30 minute interviews per household, and completing 50 referral forms per year. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden (in hrs)
Residents of the selected geographic area to be assessed.	CASPER Questionnaire	3,150	1	30/60	1,575
	Referral Form	50	1	2/60	2
Total					1,577

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. 2014–07320 Filed 4–1–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10209 and CMS–10379]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *May 2, 2014.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or

requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Advantage Chronic Care Improvement Program (CCIP) and Quality Improvement (QI) Project Reporting Tools; *Use:* Medicare Advantage Organizations (MAOs) are required to have an ongoing quality improvement (QI) program that meets our requirements and includes at least one chronic care improvement program (CCIP) and one QI project. Every MAO must have a QI program that monitors and identifies areas where implementing appropriate interventions would improve patient outcomes and patient safety. Information collected using the CCIP and QIP reporting tools is an integral resource for oversight, monitoring, compliance, and auditing activities necessary to ensure high quality value-based health care for Medicare beneficiaries. *Form Number:* CMS–10209 (OCN: 0938–1023); *Frequency:* Yearly; *Affected Public:* Private sector (business or other for-profits and not-for-profit institutions); *Number of Respondents:* 1,904; *Total Annual Responses:* 1,904; *Total Annual Hours:* 28,560. (For policy questions regarding this collection contact Ellen Dieujuste at 410–786–2191).

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved information collection; *Title of Information Collection:* Rate Increase Disclosure and Review Reporting Requirements; *Use:* Section 1003 of the Affordable Care Act adds a new section 2794 of the PHS Act which directs the Secretary of the Department of Health and Human Services (the Secretary), in conjunction with the states, to establish a process for the annual review of ''unreasonable increases in premiums for health insurance coverage.'' The statute provides that health insurance issuers must submit to the Secretary and the applicable state justifications for unreasonable premium increases prior to the implementation of the increases. Section 2794 also specifies that beginning with plan years beginning in 2014, the Secretary, in conjunction with the states, shall monitor premium increases of health insurance coverage offered through an Exchange and outside of an Exchange.

Section 2794 directs the Secretary to ensure the public disclosure of information and justification relating to unreasonable rate increases. The regulation therefore develops a process to ensure the public disclosure of all such information and justification. Section 2794 requires that health insurance issuers submit justification for an unreasonable rate increase to CMS and the relevant state prior to its implementation. Additionally, section 2794 requires that rate increases effective in 2014 (submitted for review in 2013) be monitored by the Secretary, in conjunction with the states. To those ends the regulation establishes various reporting requirements for health insurance issuers, including a Preliminary Justification for a proposed rate increase, a Final Justification for any rate increase determined by a state or CMS to be unreasonable, and a notification requirement for unreasonable rate increases which the issuer will not implement.

On November 14, 2013, CMS issued a letter to State Insurance Commissioners outlining transitional policy for non-grandfathered coverage in the small group and individual health insurance markets. If permitted by applicable State authorities, health insurance issuers may choose to continue coverage that would otherwise be terminated or cancelled, and affected individuals and small businesses may choose to re-enroll in such coverage. Under this transitional policy, non-grandfathered health insurance coverage in the individual or small group market that is renewed for a policy year starting between January 1, 2014, and October 1, 2014, will not be considered to be out of compliance with certain market reforms if certain specific conditions are met. These transitional plans continue to be subject to the requirements of section 2794, but are not subject to 2701 (market rating rules), 2702 (guaranteed availability), 2704 (prohibition on health status rating), 2705 (prohibition on health status discrimination) and 2707 (requirements of essential health benefits) and the because the single risk pool (1311(e)) is dependent on all of the aforementioned sections (2701, 2702, 2704, 2705 and 2707), the transitional plans are also exempt from the single risk pool. The Unified Rate Review Template and system are exclusively designed for use with the single risk pool plan, and any attempt to include non-single risk pool plans in the Unified Rate Review template or system will create errors, inaccuracies and limitations on submissions that would prevent the effectiveness of reviews of both sets of non-grandfathered plans (single risk pool and transitional). For these many reasons, CMS is requiring issuers with transitional plans that experience rate increases subject to review to use the Rate Review Justification system and templates which were required and utilized prior to April 1, 2013. *Form Number:* CMS–10379 (OCN: 0938–1141); *Frequency:* Annual; *Affected Public:* Private sector, State Governments; *Number of Respondents:* 81; *Total Annual Responses:* 358; *Total Annual Hours:* 1,879. (For policy questions regarding this collection, contact Doug Pennington at (410) 786–1553.)

Dated: March 28, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–07402 Filed 4–1–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–370 and CMS–377]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper

performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 2, 2014.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–370 and CMS–377 Health Insurance Benefits Agreement and Ambulatory Surgical Center Request for Certification or Update of Certification Information in the Medicare Program

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Titles of Information Collection:* Health Insurance Benefits Agreement and Ambulatory Surgical Request for Certification or Update of Certification Information in the Medicare Program; *Use:* The CMS–370 is used to establish eligibility for payment. This agreement, upon submission by the ambulatory surgical center (ASC) and acceptance for filing by the Secretary of Health & Human Services, shall be binding on both the ASC and the Secretary. The agreement may be terminated by either party in accordance with regulations. In the event of termination, payment will not be available for ASC services furnished on or after the effective date of termination.

The CMS–377 is used to collect facility-specific characteristics that facilitate CMS' oversight of ambulatory surgical centers (ASCs). The CMS–377 is submitted by ASCs when they request initial certification of compliance with the ASC conditions for coverage or to update an ASC's existing certification information. It is also used by State agencies who conduct certification surveys on CMS' behalf to maintain information on the facility's characteristics that facilitate conducting surveys, e.g., determining the size and the composition of the survey team on the basis of the number of operating and procedure rooms and the types of surgical procedures performed in the ASC. *Form Numbers:* CMS–370 and CMS–377 (OCN: 0938–0266); *Frequency:* Occasionally; *Affected Public:* Private sector—business or other for-profit and not-for-profit institutions; *Number of Respondents:* 5,449; *Total Annual Responses:* 1,833; *Total Annual Hours:* 633. (For policy questions regarding this collection contact Erin McCoy at 410–786–2337.)

Dated: March 28, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–07405 Filed 4–1–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

National Legal Resource Center

SUMMARY: The Administration for Community Living (ACL) is announcing the application deadline and a single case deviation from maximum competition for the National Legal Assistance and Support grants under Section 420(a)(1) of the Older Americans Act (OAA) that constitute the National Legal Resource Center (NLRC). The NLRC program provides resource support to a national system of legal assistance and elder rights programs to improve the quality, cost effectiveness, and accessibility of legal assistance and elder rights protections provided to older people. The purpose of this deviation is to award a 4th year non-competing continuation to the NLRC project grantees with a three (3) year budget period set to expire May 31, 2014 so that: (1) Stakeholder input can be obtained on the resource support needs of legal and aging/disability service providers across the country; and (2) the current work under the NLRC can be better directed to support and advance ACL activities anticipated in FY15 in the area of elder rights and elder abuse prevention.

Program Name: National Legal Assistance and Support—National Legal Resource Center.

Award Amount: $655,462 ($143,347 to $185,693 per grantee).

Project Period: 6/1/2011 to 5/31/2015.

Award Type: Cooperative Agreement.

Statutory Authority: Title IV, Sections 420(a)(1) and 420(a)(2), of the OAA (42 U.S.C. 3032), as amended by the OAA Amendments of 2006, Public Law 109–365.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.048 Discretionary Projects

DATES:

- Application Submission deadline: May 5, 2014.
- The anticipated budget period start date is June 1, 2014.

I. Program Description

The NLRC serves as a centralized national legal assistance support system for professionals and advocates working in legal services and aging/disability services networks. The NLRC provides a wide range of resource support to enhance the ability of States, area agencies on aging, and legal providers to deliver high quality/high impact legal assistance to older persons in the most social or economic need. Prior to the creation of the NLRC in 2008, the existing legal assistance support system was comprised of four (4) independent legal resource centers operating within a decentralized and fragmented legal assistance support system. It was determined that the decentralized support system presented various barriers to providing effective resource support to aging/disability and legal networks. Overcoming these barriers necessitated the creation of a more focused and unified resource support delivery structure. The current centralized configuration of the NLRC presents significant advantages in subject matter coverage and overall provider accessibility over the previous decentralized model.

II. Justification for the Exception to Competition

Since 2008, NLRC partners have maximized funding by collaborating in reaching target audiences and providing training, case consultation, and resource materials on a wide range of legal issues. Through collaborations, interlocking work plans, and the leveraging of organizational resources, NLRC partners have achieved national resource support coverage in an increasingly challenging service delivery environment. Those challenges will continue to intensify as priority legal issues such as ACA implementation; housing accessibility, income maintenance, elder abuse/financial abuse prevention; advance directives/person centered planning; and supported decision making alternatives to guardianship continue to demand comprehensive and accessible national legal resource support.

At this stage in the NLRC's programmatic evolution it is important to assess the NLRC's effectiveness in meeting these increasing challenges. To this end, ACL will accomplish two goals this year: (1) Obtain stakeholder input on the resource support needs of legal and aging/disability service providers and the ability to meet those needs in the current NLRC configuration; and (2) establish how best to incorporate the current work under the NLRC with the intensified ACL activities anticipated in FY 15 in elder rights and elder abuse prevention.

III. Eligible Applicants

Incumbent NLRC grantees with award expiration dates of 5/31/14.

IV. Evaluation Criteria

Information previously provided in semi-annual reports, as well as information in the non-competing extension application will be considered to determine satisfactory progress of the grantee project and ensure that proposed activities are within the approved scope and budget of the grant. Areas that will be evaluated include:

A. *Project Relevance & Current Need*
B. *Approach*
C. *Budget*
D. *Project Impact*
E. *Organizational Capacity*

V. Application and Submission Requirements

A. SF 424—Application for Federal Assistance
B. SF 424A—Budget Information
C. Separate Budget Narrative/Justification
D. SF 424B—Assurances. Note: Be sure to complete this form according to instructions and have it signed and dated by the authorized representative (see item 18d of the SF 424).
E. Lobbying Certification
F. Program narrative—no more than 10 pages.
G. Work Plan
H. Incumbent grantees will be required to access the non-competing application kit in GrantSolutions.gov to submit all materials for this application.

VI. Application Review Information

Applications will be objectively reviewed by Federal staff utilizing the criteria listed above in Section III.

VII. Agency Contact

For further information or comments regarding this program expansion supplement, contact Omar Valverde, U.S. Department of Health and Human Services, Administration for Community Living, Administration on Aging, Office of Elder Rights, One Massachusetts Avenue NW., Washington, DC 20001; telephone (202) 357–3514; fax (202) 357–3549; email *omar.valverde@acl.hhs.gov.*

Dated: March 27, 2014.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2014–07327 Filed 4–1–14; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Technical Assistance: Senior Legal Helplines and Model Approaches to Statewide Legal Assistance Systems

SUMMARY: The Administration for Community Living (ACL) is announcing the application deadline and a single case deviation from maximum competition for Technical Assistance (TA) grants providing support to *Senior Legal Helplines* (SLH) and *Model Approaches to Statewide Legal Assistance Systems* (Model Approaches) projects under Section 420(a)(2) of the Older Americans Act (OAA). The two (2) TA grants provide focused resource support specifically to SLHs and Model Approaches demonstration projects involved in improving the quality, cost effectiveness, and accessibility of legal assistance and elder rights protections provided to older people. The purpose of this deviation is to award a 4th year non-competing continuation to TA grants, with a three (3) year budget period set to expire May 31, 2014, so that: (1) Stakeholder input can be obtained on the resource support needs of legal and aging/disability service providers across the country; and (2) the current focus of the TA grants can be better directed to support and advance ACL activities anticipated in FY15 in the area of elder rights and elder abuse prevention.

Program Name: National Legal Assistance and Support—National Legal Resource Center.

Award Amount: $214,636 ($143,000/$71,636 per grantee).

Project Period: 6/1/2011 to 5/31/2015.

Award Type: Cooperative Agreement.

Statutory Authority: Title IV of OAA (42 U.S.C. 3032), as amended by the OAA Amendments of 2006, Pub. L. 109–365.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.048 Discretionary Projects

DATES:

- Application Submission deadline: May 5, 2014.
- The anticipated budget period start date is June 1, 2014.

I. Program Description

Technical Assistance (TA) grants directed towards legal systems

development efforts provide tailored resource support to *Senior Legal Helplines* (SLH) and *Model Approaches to Statewide Legal Assistance Systems* (Model Approaches) projects across the country. Model Approaches grants promote the creation of legal services delivery systems that incorporate SLHs (and other low-cost service delivery mechanisms) into the broader tapestry of Title III–B legal services, and other available legal resources. Specifically, the TA grant directed to SLHs provides resource support for various aspects of helpline legal service delivery, including the development of reporting/data collection systems, case management systems, targeting and outreach strategies, and integration strategies that incorporate SLHs into the broader tapestry of legal service delivery in each Model Approaches state. The TA grant directed to the systems enhancement objectives of Model Approaches Phase I and Phase II projects provides resource support on the development of needs and capacity assessments, reporting/data collection systems and outcomes measures used to determine the impact of legal services, and the development of legal service delivery standards/guidelines that promote quality and consistent statewide legal service delivery.

II. Justification for The Exception to Competition

As with the grants comprising the National Legal Resource Center, it is important to assess the effectiveness of TA grants in helping states meet increasing challenges in the development and maintenance of ''high capacity'' statewide legal service delivery systems. To this end, ACL would like to accomplish two goals this year: (1) Obtain stakeholder input on the resource support needs of legal and aging/disability service providers across the country and the ability to meet those needs through focused TA grants; and (2) establish how best to direct the current objectives of the TA grants towards advancing anticipated ACL FY 15 activities related to elder rights and elder abuse prevention.

III. Eligible Applicants

Incumbent TA grantees with award expiration dates of 5/31/14.

IV. Evaluation Criteria

Information previously provided in semi-annual reports, as well as information in the non-competing extension application will be considered to determine satisfactory progress of the grantee project and ensure that proposed activities are within the approved scope and budget of the grant. Areas that will be evaluated include:

A. *Project Relevance & Current Need*
B. *Approach*
C. *Budget*
D. *Project Impact*
E. *Organizational Capacity*

V. Application and Submission Requirements

A. SF 424—Application for Federal Assistance
B. SF 424A—Budget Information
C. Separate Budget Narrative/Justification
D. SF 424B—Assurances. Note: Be sure to complete this form according to instructions and have it signed and dated by the authorized representative (see item 18d of the SF 424).
E. Lobbying Certification
F. Program narrative—no more than 10 pages.
G. Work Plan
H. Incumbent grantees will be required to access the non-competing application kit in GrantSolutions.gov to submit all materials for this application.

VI. Application Review Information

Applications will be objectively reviewed by Federal staff utilizing the criteria listed above in Section III.

VII. Agency Contact

For further information or comments regarding this program expansion supplement, contact Omar Valverde, U.S. Department of Health and Human Services, Administration for Community Living, Administration on Aging, Office of Elder Rights, One Massachusetts Avenue NW., Washington, DC 20001; telephone (202) 357–3515; fax (202) 357–3549; email *omar.valverde@acl.hhs.gov.*

Dated: March 27, 2014.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2014–07340 Filed 4–1–14; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0796]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Testing Communications on Medical Devices and Radiation-Emitting Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Testing Communications on Medical Devices and Radiation-Emitting Products'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: On December 20, 2013, the Agency submitted a proposed collection of information entitled ''Testing Communications on Medical Devices and Radiation-Emitting Products'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0678. The approval expires on March 31, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07325 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–P–1379]

Determination That PREZISTA (Darunavir) Tablets, 400 Milligrams, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined that PREZISTA (darunavir) tablets, 400 milligrams (mg), was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for darunavir tablets, 400 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Na'Im R. Moses, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 6226, Silver Spring, MD 20993–0002, 240–402–3990.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

PREZISTA (darunavir) tablets, 400 mg, is the subject of NDA 21–976, held by Janssen Products, LP, and initially approved on June 23, 2006. PREZISTA is a human immunodeficiency virus (HIV–1) protease inhibitor indicated for the treatment of HIV–1 infection in adult patients. It is also indicated for the treatment of HIV–1 infection in pediatric patients 3 years of age and older. PREZISTA must be coadministered with ritonavir (PREZISTA/ritonavir) and with other antiretroviral agents.

In an email dated July 30, 2013, Janssen Products, LP, notified FDA that PREZISTA (darunavir) tablets, 400 mg, was being discontinued for the U.S. market only. The PREZISTA 800-mg tablet continues to be marketed in the United States. Lachman Consultant Services, Inc., submitted a citizen petition dated October 21, 2013 (Docket No. FDA–2013–P–1379), under 21 CFR 10.30, requesting that the Agency determine whether PREZISTA (darunavir) tablets, 400 mg, was withdrawn from sale for reasons of safety or effectiveness. In January 2014, FDA moved the 400-mg dosage strength of this drug product to the ''Discontinued Drug Product List'' section of the Orange Book.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that PREZISTA (darunavir) tablets, 400 mg, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that PREZISTA (darunavir) tablets, 400 mg, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of PREZISTA (darunavir) tablets, 400 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that the product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list PREZISTA (darunavir) tablets, 400 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to PREZISTA (darunavir) tablets, 400 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07337 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–P–0267]

Determination That NIMOTOP (Nimodipine) Capsules, 30 Milligrams, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that NIMOTOP (Nimodipine) Capsules, 30 milligrams (mg), was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of the abbreviated new drug applications (ANDAs) that refer to nimodipine capsules, 30 mg, and it will allow FDA to approve ANDAs that refer to this drug as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Rachel Turow, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–5094.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends

approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

Under § 314.161(a) (21 CFR 314.161(a)), the Agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness: (1) Before an ANDA that refers to that listed drug may be approved; (2) whenever a listed drug is voluntarily withdrawn from sale and ANDAs that refer to the listed drug have been approved; and (3) when a person petitions for such a determination under §§ 10.25(a) and 10.30 (21 CFR 10.25(a) and 10.30). Section 314.161(d) provides that if FDA determines that a listed drug was withdrawn from sale for reasons of safety or effectiveness, the Agency will initiate proceedings that could result in the withdrawal of approval of the ANDAs that refer to the listed drug. FDA may not approve an ANDA that does not refer to a listed drug.

NIMOTOP (Nimodipine) Capsules, 30 mg, the subject of NDA 18–869, held by Bayer HealthCare Pharmaceuticals Inc., was initially approved on December 28, 1988. The most recent labeling for NIMOTOP states that the product is indicated for the improvement of neurological outcome by reducing the incidence and severity of ischemic deficits in patients with subarachnoid hemorrhage (ruptured blood vessels in the brain) from ruptured intracranial berry aneurysms regardless of their post-ictus neurological condition (i.e., Hunt and Hess Grades I–V).

In a letter dated July 30, 2010, Bayer HealthCare Pharmaceuticals Inc. notified FDA that NIMOTOP (Nimodipine) Capsules, 30 mg, was being discontinued, and FDA moved the drug product to the ''Discontinued Drug Product List'' section of the Orange Book. Currently, there are three approved ANDAs for nimodipine capsules, 30 mg. The following table lists the approved ANDAs for nimodipine capsules that are listed in the ''Active Drug Product List'' of the Orange Book and their sponsors.

Applicant	Application No.	Dosage form; route	Strength
Banner Pharmacaps	ANDA 076740	Capsule; Oral	30 mg.
Barr Labs, Inc.	ANDA 077811	Capsule; Oral	30 mg.
Sun Pharmaceuticals Inds., Inc.	ANDA 077067	Capsule; Oral	30 mg.

Lachman Consultant Services, Inc., submitted a citizen petition dated April 11, 2011 (Docket No. FDA–2011–P–0267) (Petition), under § 10.30, requesting that the Agency determine whether NIMOTOP (Nimodipine) Capsules, 30 mg, was withdrawn from sale for reasons of safety or effectiveness. In the Petition, the petitioner identified no data or other information suggesting that NIMOTOP (Nimodipine) Capsules, 30 mg, was withdrawn for reasons of safety or effectiveness.

In responding to the Petition, we have carefully reviewed our files for records concerning the withdrawal of NIMOTOP (Nimodipine) Capsules, 30 mg. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. The adverse event reports included 36 reports of medication errors associated with the administration or prescribing of nimodipine capsules, 30 mg, which were received between 1989 (the initial marketing of NIMOTOP) and November 2013.[1] Of these 36 reports, 27 involved the erroneous intravenous administration of nimodipine.[2] The intravenous injection of nimodipine can result in cardiac arrest, severe drop in blood pressure, other cardiac-related complications, and death. In almost all of the cases involving erroneous intravenous administration, there were serious or potentially serious outcomes, with 5 of the 27 cases resulting in the death of the patient. FDA has attributed these medication errors to the use of an intravenous needle and syringe at bedside to extract the capsule contents for administration to patients that are unconscious or cannot swallow the capsules. In such cases, the professional labeling instructions call for using an 18-gauge needle to make a hole on both ends of the capsule to extract the capsule's liquid contents into a syringe, and then administering the extracted liquid to the patient orally or via a nasogastric tube (feeding tube). Because a needle will not fit on an oral syringe, the health care provider must use a parenteral syringe to extract the liquid from the capsule. Once the drug is prepared in a parenteral syringe, rather than administering it orally or through a nasogastric tube as further directed in the drug's labeling, a conditioned response can occur where the drug is erroneously administered intravenously. Most patients receiving nimodipine capsules require complex care, are hospitalized in critical care units, and are receiving other intravenous medications, which may further contribute to the occurrence of such errors.

Each year, between 20,000 and 30,000 patients in the United States[3] are administered nimodipine for the emergency treatment of subarachnoid hemorrhage. Since NIMOTOP was approved in 1988, FDA has taken several actions to reduce these medication errors. These include labeling changes, a Dear Healthcare Professional Letter, two FDA Patient Safety News Webcasts, and a Drug Safety Communication.[4] As recently as August 2010, FDA issued a safety alert, again emphasizing to health care professionals that nimodipine capsules should be given only by mouth or through a nasogastric tube and that they should never be given by intravenous administration.[5] In addition, in

[1] FDA became aware of these reports through a search of the FDA Adverse Event Reporting System (FAERS), the Pennsylvania Patient Safety Reporting System (PA–PSRS), the Institute for Safe Medication Practices' (ISMP) Quantros MEDMARX database, the Council for International Organizations of Medical Sciences (CIOMS) II database, or through their publication in the medical literature. Thirty-one of the 36 cases occurred between 1989 and 2009. (See FDA Drug Safety Communication: Serious medication errors from intravenous administration of nimodipine oral capsules, available at *http://www.fda.gov/drugs/drugsafety/postmarketdrugsafetyinformationforpatientsandproviders/ucm220386.htm.*) FDA identified five additional cases through searches of the Agency's FAERS database conducted in 2012 and 2013.

[2] The remaining reports of medication errors involved prescribing errors (i.e., physician erroneously prescribed that the drug be administered intravenously), sublingual administration, or drug name confusion.

[3] American Heart Association Guidelines for the Management of Aneurysmal Subarachnoid Hemorrhage, 2009, *Stroke,* 40:994–1025; see also, National Institute of Neurological Disorders and Stroke—Cerebral Aneurysms Fact Sheet, available at *http://www.ninds.nih.gov/disorders/cerebral_aneurysm/detail_cerebral_aneurysms.htm#228933098.*

[4] Nimodipine (marketed as Nimotop)—Healthcare Professional Sheet, text version, available at *http://www.fda.gov/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/ucm129297.htm;* NIMOTOP Safety alert, available at *http://www.fda.gov/Safety/MedWatch/SafetyInformation/SafetyAlertsforHumanMedicalProducts/ucm150728.htm.*

[5] FDA Drug Safety Communication: Serious Medication Errors from Intravenous Administration of Nimodipine oral Capsules (August 2010), available at *http://www.fda.gov/Drugs/DrugSafety/*

February 2012, Barr Pharmaceuticals added the following statement to the labeling directing health care professionals to transfer the capsule contents to a syringe that cannot accept a needle: ''A parenteral syringe can be used to extract the liquid inside the capsule, but the liquid should always be transferred to a syringe that cannot accept a needle and that is designed for administration orally or via a nasogastric tube or PEG.'' [6]

Despite these efforts by FDA and the drug's sponsor, a small number of adverse events due to erroneous intravenous administration continue to be reported to the Agency. Nevertheless, FDA believes that it is in the best interest of the public health for patients to continue to have access to this lifesaving drug for a number of reasons. First, only a portion of the patients treated with nimodipine capsules are unconscious and unable to swallow—these are the patients who are most vulnerable to the medication errors identified. Of those patients that begin their course of treatment (two capsules every 4 hours for 21 days) while unable to swallow, many improve to the point where they are awake and able to swallow a capsule soon after treatment begins. Hence, for many patients, the risk of erroneous intravenous administration is only present during a small percentage of their overall duration of treatment.

Second, we believe the approval of a nimodipine oral solution [7] that is administered via an oral syringe only will further prevent erroneous intravenous administration because it can be used for those patients who are unconscious or unable to swallow and eliminates the need for use of a parenteral syringe, which is the source of the medication errors. And third, we believe the capsules play an important role in treating patients with subarachnoid hemorrhage because many are discharged from the hospital while taking capsules, and capsules provide a more convenient route of administration that increases patient compliance.

As a result, we believe that the benefits of having nimodipine capsules on the market to treat these extremely sick patients, who could die or have serious permanent injury without treatment, outweigh the risks of medication errors.

Therefore, after considering the Petition and reviewing Agency records, and based on the information we have at this time, FDA has determined under § 314.161 that NIMOTOP (nimodipine) Capsules, 30 mg, was not withdrawn for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list NIMOTOP (Nimodipine) Capsules, 30 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of the approved ANDAs that refer to NIMOTOP (Nimodipine) Capsules, 30 mg. Additional ANDAs that refer to NIMOTOP (Nimodipine) Capsules, 30 mg, may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07332 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

PostmarketDrugSafetyInformationforPatientsand Providers/ucm220386.htm.

[6] As used here, PEG refers to a percutaneous endoscopic gastrostomy tube.

[7] Nymalize was approved on May 10, 2013. See FDA's News Release, ''FDA Approves Nymalize—First Nimodipine Oral Solution for Use in Certain Brain Hemorrhage Patients,'' available at *http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm352280.htm.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Draft and Revised Draft Guidances for Industry Describing Product-Specific Bioequivalence Recommendations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of additional draft and revised draft product-specific bioequivalence (BE) recommendations. The recommendations provide product-specific guidance on the design of BE studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled ''Guidance for Industry on Bioequivalence Recommendations for Specific Products; Availability,'' which explained the process that would be used to make product-specific BE recommendations available to the public on FDA's Web site. The BE recommendations identified in this notice were developed using the process described in that guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comments on these draft and revised draft guidances before it begins work on the final versions of the guidances, submit either electronic or written comments on the draft and revised draft product-specific BE recommendations listed in this notice by June 2, 2014.

ADDRESSES: Submit written requests for single copies of the individual BE guidances to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance recommendations.

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

FOR FURTHER INFORMATION CONTACT: Kris André, Center for Drug Evaluation and Research (HFD–600), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 240–276–8866.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Guidance for Industry on Bioequivalence Recommendations for Specific Products; Availability,'' which explained the process that would be used to make product-specific BE recommendations available to the public on FDA's Web site at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific BE recommendations and provide a meaningful opportunity for the public to consider and comment on those recommendations. Under that

process, draft recommendations are posted on FDA's Web site and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments received, and either publishes final recommendations or publishes revised draft recommendations for comment. Recommendations were last announced in the **Federal Register** on November 6, 2013 (78 FR 66745). This notice announces draft product-specific recommendations, either new or revised, that are posted on FDA's Web site.

II. Drug Products for Which New Draft Product-Specific BE Recommendations Are Available

FDA is announcing the availability of a new draft guidance for industry on product-specific BE recommendations for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC BE RECOMMENDATIONS FOR DRUG PRODUCTS

A	Amphotericin B.
	Atorvastatin calcium; Ezetimibe.
	Axitinib.
B	Brinzolamide.
	Buprenorphine.
	Buprenorphine hydrochloride.
	Buprenorphine hydrochloride; Naloxone hydrochloride.
C	Clobazam.
D	Desoximetasone (multiple reference listed drugs and dosage forms).
	Diazoxide.
E	Erythromycin.
	Estradiol.
F	Fentanyl citrate.
G	Guaifenesin.
H	Hydrochlorothiazide; Metoprolol succinate.
L	Levonorgestrel (multiple reference listed drugs).
	Linagliptin; Metformin hydrochloride.
M	Mesalamine.
P	Perampanel.
	Pindolol.
	Prednisolone acetate.
R	Rabeprazole sodium.
T	Teriflunomide.
	Tranylcypromine sulfate.
V	Verteporfin.

III. Drug Products for Which Revised Draft Product-Specific BE Recommendations Are Available

FDA is announcing the availability of a revised draft guidance for industry on product-specific BE recommendations for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC BE RECOMMENDATIONS FOR DRUG PRODUCTS

A	Abiraterone acetate.
	Amlodipine besylate; Benazepril hydrochloride.
B	Brimonidine tartrate (multiple reference listed drugs).
D	Doxycycline hyclate.
	Dronabinol.
	Dutasteride; Tamsulosin hydrochloride.
I	Icosapent Ethyl.
L	Leuprolide acetate (multiple reference listed drugs and strengths).
M	Metoprolol succinate.
	Morphine sulfate.
	Mycophenolate mofetil (multiple reference listed drugs and dosage forms).
	Mycophenolic acid.
N	Naltrexone.
O	Octreotide acetate.
T	Trimethoprim.
	Triptorelin pamoate

For a complete history of previously published **Federal Register** notices related to product-specific BE recommendations, please go to *http://www.regulations.gov* and enter Docket No. FDA–2007–D–0369.

These draft and revised draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These guidances represent the Agency's current thinking on product-specific design of BE studies to support ANDAs. They do not create or confer any rights for or on any person and do not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

IV. Comments

Interested persons may submit either electronic comments on any of the specific BE recommendations posted on FDA's Web site to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessaary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. The guidances, notices, and 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.*

V. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07330 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0337]

Standards for the Interoperable Exchange of Information for Tracing of Human, Finished, Prescription Drugs, in Paper or Electronic Format; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

The Food and Drug Administration (FDA) is announcing a public workshop entitled ''Standards for the Interoperable Exchange of Information for Tracing of Human, Finished, Prescription Drugs, in Paper or Electronic Format.'' This public workshop will provide a forum for discussing the development of these standards in the Drug Supply Chain Security Act of 2013. In particular, participants will be asked to provide information, current practices, research, and ideas on the interoperable exchange of transaction information, transaction history, and transaction statements, in paper or electronic format, for each transfer of drug product in which a change of ownership occurs. This public workshop will also provide a forum to discuss the feasibility of establishing standardized documentation to be used by members of the pharmaceutical distribution supply chain to convey this information to the subsequent purchaser of a drug product and to facilitate the exchange of lot level data. As FDA continues to work on developing standards for interoperable exchange, the Agency is seeking public input to ensure that we consider information regarding all drug supply chain stakeholders.

DATES: The public workshop will be held on May 8 and 9, 2014, from 9 a.m. to 5 p.m.

ADDRESSES: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave. Bldg. 31 Conference Center, the Great Room (rm. 1503A), Silver Spring, MD 20993. Entrance for the public meeting

participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Connie T. Jung, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–3130, FAX: 301–847–8722, email: *drugtrackandtrace@fda.hhs.gov*.

Comments: In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is June 9, 2014.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments regarding the topics of the workshop to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. 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*.

Registration: To register for the workshop either: (1) Email your registration information to *drugtrackandtrace@fda.hhs.gov* or (2) mail your registration information to Connie T. Jung (see *Contact Person*). Registration information should include:

- ''Registration'' in the subject line, and
- Registrant name, company or organization, address, phone number, and email address in the body of your email or mailing.

Registration requests should be received by April 24, 2014. Registration is free. Seats are limited. FDA may limit the numbers of participants from each organization based on space limitations. Registrants will receive confirmation upon acceptance for participation in the workshop. Onsite registration on the day of the meeting will be based on space availability on the day of the event starting at 8 a.m. If registration reaches maximum capacity, FDA will post a notice closing meeting registration for the workshop on FDA's Web site at: *http://www.fda.gov/Drugs/NewsEvents/ucm388993.htm*.

If you need special accommodations due to a disability, please contact Connie Jung (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the public workshop.

SUPPLEMENTARY INFORMATION:

I. Background

On November 27, 2013, the Drug Supply Chain Security Act (DSCSA) (Title II, Pub. L. 113–54) was signed into law. The DSCSA outlines critical steps to build an electronic, interoperable system over the next 10 years to identify and trace certain prescription drugs as they are distributed within the United States. Section 202 of the DSCSA, which adds section 582(a)(2)(A) to the Federal Food, Drug, and Cosmetic Act (the FD&C Act), requires the Secretary to establish initial standards for the interoperable exchange of transaction information, transaction history, and transaction statements, in paper or electronic format, in consultation with other appropriate Federal officials, manufacturers, repackagers, wholesale drug distributors, dispensers, and other pharmaceutical distribution supply chain stakeholders. The system that will be established under the DSCSA will enhance FDA's ability to help protect U.S. consumers from exposure to drugs that may be counterfeit, stolen, contaminated, or otherwise harmful by improving detection and removal of potentially dangerous drugs from the drug supply chain.

FDA has used a multilayered approach to improve the security of the drug supply chain to protect U.S. patients from unsafe, ineffective, and poor quality drugs. In addition to considering the standards developed under section 505D of the FD&C Act (21 U.S.C. 355e), the DSCSA directs FDA to establish initial standards for trading partners to utilize to achieve the interoperable exchange of transaction information, transaction history, and transaction statements. On February 20, 2014, FDA issued a **Federal Register** notice (79 FR 9745) that established a public docket (Docket No. FDA–2014–N–0200) for this topic. FDA is seeking additional stakeholder input based on the information received in that docket.

II. Purpose of the Workshop

This public workshop is intended to provide an opportunity for interested persons to share information, current practices, research, and ideas on the feasibility of establishing standardized documentation to be used by members of the pharmaceutical distribution supply chain to convey the transaction information, transaction history, and transaction statement to the subsequent purchaser of a drug product and to facilitate the exchange of lot level data. In addition, FDA is interested in learning about practices, processes, and systems that supply chain stakeholders currently use to exchange information, such as product information, information related to the sale or change of ownership of prescription drugs, or communications about drugs in distribution. Discussions at this public workshop may also include current practices and suggestions for the exchange of information between supply chain stakeholders to provide, receive, and terminate notifications. Discussions may also include how trading partners should respond to requests for verification of suspect drug product, and respond to requests for information from FDA or other appropriate Federal or State officials in the event of a recall or for the purpose of investigating a suspect or illegitimate drug product. Participants will not be asked to develop consensus opinions during the discussion, but rather to provide their individual perspectives. By May 2, 2014, FDA will post the following information on our Web site under Standards Development for Interoperable Exchange of Tracing Information at *http://www.fda.gov/Drugs/NewsEvents/ucm388993.htm:*

- Workshop agenda;
- Workshop discussion topics.

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07335 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2011–E–0677 and FDA–2011–E–0678]

Determination of Regulatory Review Period for Purposes of Patent Extension; ONSIOR

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for ONSIOR and is publishing this notice of that determination as required by law. FDA has made the determination

because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the animal drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA has approved for marketing the animal drug product ONSIOR (robenacoxib). ONSIOR is indicated for control of postoperative pain associated with orthopedic surgery, ovariohysterectomy and castration in cats ≥ 5.5 pounds and > 6 months of age; for up to a maximum of 3 days. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for ONSIOR (U.S. Patent Nos. 6,291,523 and 7,115,662) from Novartis Animal Health US, Inc., and the Patent and Trademark Office requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated July 9, 2012, FDA advised the Patent and Trademark Office that this animal drug product had undergone a regulatory review period and that the approval of ONSIOR represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for ONSIOR is 1,704 days. Of this time, 1,650 days occurred during the testing phase of the regulatory review period, while 54 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360b(j)) became effective:* July 10, 2006. The applicant claims March 2, 2004, as the date the investigational new animal drug application (INAD) became effective. However, FDA records indicate that the INAD effective date was July 10, 2006, which was the received date of the first submission that includes a study with substantial data (submission of a major health test) or the first submission containing a Notice of Claimed Investigational Exemption.

2. *The date the application was initially submitted with respect to the animal drug product under section 512 of the FD&C Act:* January 14, 2011. The applicant claims January 13, 2011, as the date the new animal drug application (NADA) for ONSIOR (NADA 141–320) was initially submitted. However, FDA records indicate that NADA 141–320 was submitted on January 14, 2011.

3. *The date the application was approved:* March 8, 2011. FDA has verified the applicant's claim that NADA 141–320 was approved on March 8, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,308 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by June 2, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 29, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket numbers found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov*, Docket No. FDA 2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07336 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–E–0163]

Determination of Regulatory Review Period for Purposes of Patent Extension; POTIGA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for POTIGA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an

application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA 2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Center for Drug Evaluation and Research, Office of Management, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product POTIGA (ezogabine). POTIGA is a potassium channel opener indicated as adjunctive treatment of partial-onset seizures in patients aged 18 years and older. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for POTIGA (U.S. Patent No. 6,538,151) from Valeant Pharmaceuticals North America, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 10, 2012, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of POTIGA represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for POTIGA is 5,021 days. Of this time, 4,432 days occurred during the testing phase of the regulatory review period, while 589 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* September 12, 1997. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on September 12, 1997.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* October 30, 2009. FDA has verified the applicant's claim that the new drug application (NDA) for POTIGA (NDA 22–345) was submitted on October 30, 2009.

3. *The date the application was approved:* June 10, 2011. FDA has verified the applicant's claim that NDA 22–345 was approved on June 10, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,794 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by June 2, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 29, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. 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. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA 2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07334 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–E–0164]

Determination of Regulatory Review Period for Purposes of Patent Extension; FIRAZYR

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for FIRAZYR and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

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

*http://www.regulations.gov*at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 6284, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product FIRAZYR (icatibant acetate). FIRAZYR is indicated for treatment of acute attacks of hereditary angioedema in adults 18 years of age and older. Subsequent to this approval, the U.S. Patent and Trademark Office received a patent term restoration application for FIRAZYR (U.S. Patent No. 5,648,333) from Sanofi-Aventis Deutschland GmbH, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 10, 2012, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of FIRAZYR represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for FIRAZYR is 2,663 days. Of this time, 1,263 days occurred during the testing phase of the regulatory review period, while 1,400 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* May 12, 2004. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on May 12, 2004.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* October 26, 2007. FDA has verified the applicant's claim that the new drug application (NDA) for FIRAZYR (NDA 22–150) was submitted on October 26, 2007.

3. *The date the application was approved:* August 25, 2011. FDA has verified the applicant's claim that NDA 22–150 was approved on August 25, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 5 years of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by June 2, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 29, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. 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. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07331 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2012–E–0487; FDA–2012–E–0488; and FDA–2012–E–0489]

Determination of Regulatory Review Period for Purposes of Patent Extension; EYLEA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for EYLEA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human biological product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 6284, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biological product EYLEA (aflibercept). EYLEA is indicated for the treatment of patients with neovascular (Wet) Age-Related Macular Degeneration (AMD). Subsequent to this approval, the U.S. Patent and Trademark Office received patent term restoration applications for EYLEA (U.S. Patent Nos.: 7,070,959; 7,374,757; and 7,374,758) from Regeneron Pharmaceuticals, Inc., and the Patent and Trademark Office requested FDA's assistance in determining these patents' eligibility for patent term restoration. In a letter dated August 7, 2012, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of EYLEA represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for EYLEA is 2,349 days. Of this time, 2,075 days occurred during the testing phase of the regulatory review period, while 274 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* June 15, 2005. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on June 15, 2005.

2. *The date the application was initially submitted with respect to the human drug product under section 352 of the Public Health Service Act (42 U.S.C. 262):* February 18, 2011. The applicant claims February 17, 2011, as the date the biologics license application (BLA) for EYLEA (BLA 125387/0) was initially submitted. However, FDA records indicate that BLA 125387/0 was submitted on February 18, 2011.

3. *The date the application was approved:* November 18, 2011. FDA has verified the applicant's claim that BLA 125387/0 was approved on November 18, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks either 775 or 1,118 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by June 2, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 29, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and electronic or written petitions. 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. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07333 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–E–0716]

Determination of Regulatory Review Period for Purposes of Patent Extension; NOVOTFF–100A SYSTEM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for NOVOTFF–100A SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA 2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human

drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device, NOVOTFF–100A SYSTEM. NOVOTFF–100A SYSTEM is indicated for treatment of adult patients (22 years of age or older) with histologically-confirmed glioblastoma multiforme (GBM), following histologically- or radiologically-confirmed recurrence in the supratentorial region of the brain after receiving chemotherapy. The device is intended to be used as a monotherapy, and is intended as an alternative to standard medical therapy for GBM after surgical and radiation options have been exhausted. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for NOVOTFF–100A SYSTEM (U.S. Patent No. 7,136,699) from Novocure Limited, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 10, 2012, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of NOVOTFF–100A SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that the FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for NOVOTFF–100A SYSTEM is 1,704 days. Of this time, 1,468 days occurred during the testing phase of the regulatory review period, while 236 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* August 10, 2006. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective August 10, 2006.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* August 16, 2010. The applicant claims December 30, 2009, as the date the premarket approval application (PMA) NOVOTFF–100A System] (PMA P100034) was initially submitted. However, FDA records indicate that PMA P100034 was a modular submission and the final module was received by FDA on August 16, 2010.

3. *The date the application was approved:* April 8, 2011. FDA has verified the applicant's claim that PMA P100034 was approved on April 8, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 807 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by June 2, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 29, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. 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. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA 2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–07329 Filed 4–1–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Ryan White HIV/AIDS Program, Part C Early Intervention Services Grant Under the Ryan White HIV/AIDS Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of Ryan White HIV/AIDS Program Part C Early Intervention Services One-time Noncompetitive Replacement Award to Ensure Continued HIV Primary Medical Care.

SUMMARY: To prevent a lapse in comprehensive primary care services for more than 200 persons living with HIV/AIDS, HRSA will provide a one-time noncompetitive Ryan White HIV/AIDS Program Part C award to St. Luke's Hospital, Bethlehem, Pennsylvania.

SUPPLEMENTARY INFORMATION: The amount of the award to ensure ongoing HIV medical services is $294,399.

Authority: Section 2651 of the Public Health Service (PHS) Act, 42 U.S.C. 300ff–51.

CFDA Number: 93.918.

Project period: The period of support for this award is 12 months, explained below in further detail.

Justification for the Exception to Competition: The Two Rivers Health and Wellness Foundation, Easton, Pennsylvania (H76HA00774) announced the relinquishment of their Part C grant on December 27, 2013. Grant funds of $294,399 are to be awarded to St. Luke's Hospital, Bethlehem, PA, to prevent a lapse in HIV medical services. St. Luke's Hospital has been determined to be eligible to receive the Part C grant to provide interim HIV medical care. To prevent a lapse in HIV medical care,

grant funds of $294,399 are to be awarded to St. Luke's Hospital to provide interim HIV medical care. The Two Rivers Health and Wellness Foundation currently provides care to more than 200 persons living with HIV/AIDS who have no other payer source for their care. The $294,399 represents 12 months of HIV medical primary care services until the service area is competed and awarded by April 1, 2015.

FOR FURTHER INFORMATION CONTACT: John Fanning, Senior Policy Advisor, Division of Community HIV/AIDS Programs/HAB, HRSA, 5600 Fishers Lane, Rockville, MD 20857, by email at *jfanning@hrsa.gov,* or by phone at (301) 443–8367.

Dated: March 28, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–07407 Filed 4–1–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Recruitment and Screening for the Insight Into Determination of Exceptional Aging and Longevity (IDEAL) Study (NIA)

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute on Aging (NIA), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Luigi Ferrucci, M.D., Ph.D., NIA Clinical Research Branch, Harbor Hospital, 5th Floor 3001 S. Hanover, Baltimore, MD 21225 or call non-toll-free number (410) 350–3936 or Email your request, including your address to: *Ferruccilu@grc.nia.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Recruitment and Screening for the Insight into Determination of Exceptional Aging and Longevity (IDEAL) Study—(0925–0631). Reinstatement with Change—National Institute on Aging (NIA), National Institutes of Health (NIH).

Need and Use of Information Collection: Longevity combined with good health and functionality at the end of life represents a common goal. Although research has examined correlates of long life and functional decline, we still know relatively little about why certain individuals live in excellent health into their eighties while others succumb to failing health at much younger ages. Understanding the mechanisms important to ideal aging may provide new opportunity for health promotion and disability prevention is this rapidly growing segment of the population.

The purpose of IDEAL (Insight into the Determinants of Exceptional Aging and Longevity) is to recruit into the Baltimore Longitudinal Study on Aging (BLSA) exceptionally long lived and healthy individuals and to learn what makes them so resilient and resistant to disease and disability, and to identify potential interventions that may contribute to the IDEAL condition. By enrolling the IDEAL cohort in the BLSA their biologic, physiologic, behavioral and functional characteristics will be evaluated using the same methods used with the current cohort who will serve as a type of control group. The first aim is to identify factors and characteristics that distinguish IDEAL from non-IDEAL individuals. We intend to compare the two groups to identify factors that discriminate IDEAL aging from non-IDEAL aging individuals. The second aim is to identify physiological, environmental and behavioral characteristics that are risk factors for losing the IDEAL condition over several years or longer. We postulate that the mechanisms of extreme longevity probably differ from those associated with delay or escape from disease and disability. As is customary in the BLSA, we plan to follow this cohort for life with yearly visits. This is a request for OMB clearance to continue to recruit and screen respondents into the Recruitment and Screening for the Insight into Determination of Exceptional Aging and Longevity (IDEAL) Study over the next 3 years.

OMB approval is requested for 3 years. There are no costs to the respondents other than their time. The total estimated annualized burden hours are 263.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Estimated annual number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Individuals	Recruitment Phone Screen Part 1	500	1	10/60	83
Individuals	Recruitment Phone Screen Part 2	200	1	10/60	33
Individuals	Pre-Visit mailing/Consent	100	1	10/60	17
Individuals	Screening Exam Visit	65	1	2	130

Dated: March 25, 2014.

Jessica Schwartz,

NIA Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2014–07391 Filed 4–1–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Therapy.

Date: April 25, 2014.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sally A. Mulhern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–5877, *mulherns@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–190: Detection of Pathogen Induced Cancer.

Date: May 2, 2014.

Time: 11:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mai.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 27, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–07282 Filed 4–1–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0012]

Public Review of Patient Decontamination in a Mass Chemical Exposure Incident: National Planning Guidance for Communities

AGENCY: Office of Health Affairs, Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Chemical Defense Program (CDP), under the Department of Homeland Security Office of Health Affairs (OHA), and Office of the Assistant Secretary for Preparedness and Response (ASPR), under the Department of Health and Human Services (HHS), are seeking public comment on a document titled ''Patient Decontamination in a Mass Chemical Exposure Incident: National Planning Guidance for Communities.''

DATES: Submit the completed comment matrix on or before May 19, 2014.

ADDRESSES: Comments may be submitted, identified by docket number DHS–2014–0012, by one of the following methods:

• *Federal e-Rulemaking Portal: http://www.regulations.gov.*

Instructions: All submissions received must include the words ''Department of Homeland Security 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* and type the docket number (DHS–2014–0012) into the ''SEARCH for: Rules, Comments, Adjudications or Supporting Documents:'' field in the middle of the Web site.

SUPPLEMENTARY INFORMATION: This guidance document is developed for senior leaders, planners, incident commanders, emergency management personnel and trainers of local response organizations and health care facilities; it contains strategic-level, evidence-based best practices for use when planning and conducting patient decontamination in a mass chemical casualty event. The subject matter is focused on external decontamination of living people exposed to toxic industrial chemicals (TICs), toxic industrial materials (TIMs) or chemical warfare agents (CWAs) resulting from either an intentional or accidental release. The guidance document provides an approach that is flexible and scalable according to the resource and capability limitations of the organization. The recommendations, therefore, are adaptable to each unique community as it sees fit. The principals set forth in this guidance document are strategic-level and designed to guide communities' planning efforts rather than specify operational practices. The guidance is evidence-based using currently available scientific research to the extent possible, and the supporting evidence is documented and briefly discussed.

FOR FURTHER INFORMATION CONTACT: *Dhs.oha.cdp@hq.dhs.gov*

Dated: March 21, 2014.

Mark A. Kirk,

Director, Chemical Defense Program.

[FR Doc. 2014–07392 Filed 4–1–14; 8:45 am]

BILLING CODE 9110–9K–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0212]

Merchant Marine Personnel Advisory Committee: Intercessional Meeting

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee working group meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) will meet to work on Task Statement 80, concerning crew training requirements onboard vessels subject to the International Code of Safety for ships using gases or low flash-point fuels (IGF Code). This meeting will be open to the public.

DATES: A MERPAC working group will meet on April 17, 2014, from 8 a.m. until 4 p.m. Please note that the meeting may adjourn early if all business is finished. Written comments to be distributed to working group members and placed on MERPAC's Web site are due by April 7, 2014.

ADDRESSES: The working group will meet in Room A129 of the Maritime Institute of Technology and Graduate Studies (MITAGS), 692 Maritime Boulevard, Linthicum Heights, MD 21090. For further information on the

location of MITAGS or services for individuals with disabilities or to request special assistance, please contact Mr. Brian Senft at (410) 859–5700.

To facilitate public participation, we are inviting public comment on the issue to be considered by the working group, which is listed in the ''Agenda'' section below. Written comments must be identified by Docket No. USCG–2014–0212, and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax: 202*–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE. Washington, DC 20590–0001.
- *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.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* enter the docket number in the ''Search'' field and follow instructions on the Web site.

Public oral comment periods will be held during the working group meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end before the prescribed ending time following the last call for comments. Contact Mr. Davis Breyer as indicated below no later than April 10, 2014 to register as a speaker.

This notice may be viewed in our online docket, USCG–2014–0212, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of MERPAC, telephone 202–372–1445 or at *davis.j.breyer@uscg.mil.* If you have any questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 2 (Pub. L. 92–463).

MERPAC is an advisory committee authorized under section 871 of the Homeland Security Act of 2002, Title 6, United States Code, section 451, and chartered under the provisions of the FACA. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security (DHS) through the Commandant of the Coast Guard and the Director of Commercial Regulations and Standards on matters relating to personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards. The Committee will advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

A copy of all meeting documentation, including the Task Statement, is available at *https://homeport.uscg.mil* by using these key strokes: Missions; Port and Waterways Safety; Advisory Committees; MERPAC; and then use the announcements key. Alternatively, you may contact Mr. Breyer as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda

The agenda for April 17, 2014, working group meeting is as follows:

(1) The working group will review and make recommendations concerning the use of the International Maritime Organization (IMO) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended (STCW) training tables for crewmembers serving onboard domestic small vessels fueled by gases or low flash-point fuels;

(2) Public comment period;

(3) The working group will discuss and prepare proposed recommendations for the full committee to consider with regards to Task Statement 80, concerning crew training requirements onboard domestic small vessels fueled by gases or low flash-point fuels; and

(4) Adjournment of meeting.

Dated: March 28, 2014.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2014–07344 Filed 4–1–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Open Federal Advisory Committee Meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet via teleconference on Thursday, April 17, 2014. The meeting will be open to the public.

DATES: The meeting will take place on Thursday, April 17, 3:00 to 4:30 p.m. Eastern Daylight Time. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to participate in the teleconference should contact Cindy Wivell as listed below in the **FOR FURTHER INFORMATION CONTACT** section by close of business April 15, 2014, to obtain the call-in number and access code. For information on services for individuals with disabilities or to request special assistance, contact Cindy Wivell as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Comments must be submitted in writing no later than April 15, 2014, and must be identified by Docket ID FEMA–2008–0010 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail/Hand Delivery:* Cindy Wivell, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the Docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Fire Academy Board of Visitors, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By

Agency,'' and then click ''Search.'' Prior to the meeting, handouts for the meeting will be posted at *http://www.usfa.fema.gov/nfa/bov.shtm* by April 9, 2014.

There will be a 10-minute public comment period. Each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact Cindy Wivell to register as a speaker.

FOR FURTHER INFORMATION CONTACT:

Alternate Designated Federal Officer: Denis G. Onieal, telephone (301) 447–1117.

Logistical Information: Cindy Wivell, telephone (301) 447–1157, fax (301) 447–1834, and email *Cindy.Wivell@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Board of Visitors for the National Fire Academy (Board) will meet via teleconference on Thursday, April 17, 2014. The meeting will be open to the public. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463).

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (NFA) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, of the operation of the NFA and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines NFA programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the physical plant of the NFA to determine the adequacy of the NFA's facilities, and examines the funding levels for NFA programs. The Board submits a written annual report, through the United States Fire Administrator, to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the NFA.

Agenda

At its December 2013 meeting, the Board recommended establishing a two-year NFA Managing Officer Program designed to enhance the management and leadership skills of first-line to mid-level managers in their fire and emergency medical service organizations. Two subcommittees were established by the Designated Federal Officer to review curriculum and admissions and final project guidelines. The Board will review reports from these subcommittees, deliberate, and develop recommendations for presentation to the FEMA Administrator through the U.S. Fire Administrator.

Dated: March 26, 2014.

Denis G. Onieal,

Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2014–07412 Filed 4–1–14; 8:45 m]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0044]

Recovery Policy RP9525.2, Donated Resources

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability.

SUMMARY: This document provides notice of the availability of the final Recovery Policy RP9525.23, *Donated Resources.* The Federal Emergency Management Agency (FEMA) published a notice of availability and request for comment for the proposed policy on November 1, 2013 at 78 FR 65688.

DATES: This policy is effective February 26, 2014.

ADDRESSES: This final policy is available online at *http://www.regulations.gov* and on FEMA's Web site at *http://www.fema.gov.* The proposed and final policy, all related **Federal Register** Notices, and all public comments received during the comment period are available at *http://www.regulations.gov* under docket ID FEMA–2013–0044. You may also view a hard copy of the final policy at the Office of Chief Counsel, Federal Emergency Management Agency, Room 8NE, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: William Roche, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202–646–3834.

SUPPLEMENTARY INFORMATION: The final policy establishes the criteria by which applicants will be credited for volunteer labor, donated equipment, and donated materials used in the performance of eligible emergency work (Categories A and B). The final policy incorporates a change that allows the value of mass care and sheltering activities provided by a voluntary agency to be applied to the non-Federal cost share as a donated resource even when those activities are part of the organization's mission.

FEMA received seventeen comments on the proposed policy that did not lead to any changes to the final policy.

This final policy does not have the force or effect of law.

Authority: 42 U.S.C. 5121–5207.

David J. Kaufman,

Associate Administrator, Office of Policy and Program Analysis, Federal Emergency Management Agency.

[FR Doc. 2014–07413 Filed 4–1–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0099]

Agency Information Collection Activities: Application for T Nonimmigrant Status; Application for Immediate Family Member of T–1 Recipient; and Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, Form I–914 and Supplements A and B; Extension, Without Change, of a Currently Approved Collection

ACTION: 30-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on January 24, 2014, at 79 FR 4168, allowing for a 60-day public comment period. USCIS received one comment in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 2, 2014. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* The comments submitted to the OMB USCIS Desk Officer may also be submitted to DHS via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0059 or

via email at *uscisfrcomment@uscis.dhs.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0099.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for T Nonimmigrant Status; Application for Immediate Family Member of T–1 Recipient; and Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I914 and Supplements A and B; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–914 permits victims of severe forms of trafficking and their immediate family members to demonstrate that they qualify for temporary nonimmigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), and to receive temporary immigration benefits.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Form I–914, 500 responses at 2 hours and 15 minutes (2.25 hours) per response; Supplement A, 500 responses at 1 hour per response; Supplement B, 200 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,725 annual burden hours.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140; Telephone 202–272–8377.

Dated: March 27, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–07312 Filed 4–1–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5782–N–01]

Notice of Intent To Prepare an Environmental Impact Statement (EIS) and Notice of Public Scoping Meeting for the Crystal Beach Wastewater Collection System, Galveston County, Texas

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Intent to Prepare an EIS and to conduct Public Scoping Meeting.

SUMMARY: The Department of Housing and Urban Development (HUD) gives notice that Galveston County (County), as the Responsible Entity in accordance with 24 CFR 58.2(a)(7), and the Texas General Land Office (GLO) intend to prepare an Environmental Impact Statement (EIS) for the development of a wastewater collection system and treatment facility in the unincorporated community of Crystal Beach on Bolivar Peninsula, Galveston County, Texas. Pursuant to the authority granted by section 104(g) of the Housing and Community Development Act of 1974 (HCD Act) in connection with the Community Development Block Grant Disaster Recovery (CDBG–DR) program, Galveston County has assumed responsibility for compliance with the National Environmental Policy Act (NEPA) and will perform the environmental review. This notice is in accordance with regulations of the Council on Environmental Quality at 40 CFR parts 1500–1508.

A Draft EIS will be prepared for the proposed action described herein. Comments relating to the Draft EIS are requested and will be accepted by the contact person listed below. When the Draft EIS is completed, a notice will be sent to individuals and groups known to have an interest in the Draft EIS and particularly in the environmental impact issues identified therein. Any person or agency interested in receiving a notice and making comment on the Draft EIS should contact the person listed below up to 30 days following publication of this notice.

The EIS will be a NEPA document intended to satisfy requirements of federal environmental statutes. In accordance with specific statutory authority of Section 104(g) of the HCD Act and HUD's regulations at 24 CFR part 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) HUD has provided for assumption of its NEPA authority and NEPA lead agency responsibility by the County.

The proposed project requires the preparation of an EIS (under 24 CFR 58.37) because the project would provide sewer capacity to support 2,500 or more housing units. Responses to this notice will be used to: (1) Determine significant environmental issues, (2) identify data that the EIS should address, and (3) identify agencies and other parties that will participate in the EIS process and the basis for their involvement.

ADDRESSES: Comments relating to the scope of the EIS are requested and will be accepted by the contact person listed below until July 10, 2014. Comments will also be accepted at the scoping

meeting on June 26, 2014 described below. All interested Federal, state, and local agencies, Indian tribes, groups, and the public are invited to submit written comments on the project named in this notice and on the scope of the EIS to the contact person shown in this notice. The office of the contact person should receive comments and all comments so received will be considered prior to the preparation and distribution of the Draft EIS. Particularly solicited is information on reports or other environmental studies planned or completed in the project area, major issues that the EIS should consider, recommended mitigation measures, and alternatives associated with the proposed action. Federal agencies having jurisdiction by law, special expertise, or other special interests should report their interest and indicate their readiness to aid in the EIS effort as a ''Cooperating Agency.''

FOR FURTHER INFORMATION CONTACT:

Nicholas Foster, CDBG Project Coordinator, Galveston County, 722 Moody, 3rd Floor, Galveston, TX 77550; email: *Nicholas.Foster@co.galveston.tx.us.*

SUPPLEMENTARY INFORMATION:

A. Background

Galveston County, acting under the authority of Section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)) and HUD's regulations at 24 CFR part 58, in cooperation with other interested agencies, will prepare an EIS under the National Environmental Policy Act (42 U.S.C. 4321) to analyze potential impacts of the Crystal Beach Wastewater Collection System Project.

Current wastewater treatment services in Crystal Beach on Bolivar Peninsula in Galveston County are primarily individual, private, and on-site septic systems. While there is a small privately owned wastewater treatment facility on the Peninsula, no public sanitary sewer is provided. The Galveston County Health District has processes in place for permitting new and replacement private septic systems, but no inspections or processes are in place for determining system failures.

As a result of Hurricane Ike on September 13, 2008, Galveston County experienced vast infrastructure failure; specific to this project was the failure of wastewater facilities due to salt water contamination and inundation. The failure of these facilities threatened public health, safety and welfare due to the build-up of untreated sewage. Galveston County has received special funding under the 2008 Texas Community Development Block Grant (CDBG) Disaster Recovery Program to address failures associated with Hurricane Ike and/or Hurricane Dolly. According to a 2008 study commissioned by the Bolivar Peninsula Special Utility District (BPSUD), most of the private septic systems in use on the Peninsula are over 20 years old while the average life-span of a system is 15 to 20 years. Additional concerns relating to the capacity of private septic systems have arisen. Typically private septic systems are sized according to soil conditions and the number of residents in a household. While most of the residences on the Peninsula are vacation homes, the number of people inhabiting the residence may exceed the number of people used to design the capacity of the system. This over use causes untreated sewage to be discharged into the groundwater as overflow from the treatment tank, contributing to the nonpoint source pollution in the watershed.

Bolivar Peninsula is located on one of the most cyclonically active parts of the globe where some of the most destructive hurricanes in history have occurred. The most infamous hurricane to affect the region was the Great Galveston Hurricane of 1900 in which an estimated 8,000 people residing on Galveston Island and Bolivar Peninsula died. Following a similar path, Hurricane Ike destroyed an estimated 80 percent of the homes on Bolivar Peninsula, and caused the deaths of 34 people. Most of the coastline of the Bolivar Peninsula experienced shoreline erosion, and consequently, entire neighborhoods were left with nothing remaining other than piles and foundation slabs. Experts have concluded that Hurricane Ike ranks as one of the most severe natural disasters in the recorded history of the Bolivar Peninsula.

Bolivar Peninsula is located within coastal areas with a one percent or greater chance of flooding and an additional hazard associated with storm waves. Several parts of the peninsula are designated as Coastal Barrier Resource Areas. Fifty percent of the land area of Bolivar Peninsula is covered with wetlands and other sensitive ecosystems. The following species protected under Section 7 of the Endangered Species Act as listed in Galveston County and potential habitat may be on Bolivar Peninsula: Attwater's greater prairie-chicken, Eskimo curlew, West Indian manatee, Hawksbill sea turtle, Leatherback sea turtle, Kemp's ridley sea turtle, Piping Plover, Green sea turtle, and the Loggerhead sea turtle. Bolivar Peninsula is home of various wildlife sanctuaries west of the proposed project area on the east side of the Peninsula.

The proposed action includes analyzing wastewater collection system alternatives, wastewater treatment plant alternatives and wastewater treatment plant location (site) alternatives to service Crystal Beach residents. Currently 180 customer accounts are connected to the existing system. The maximum number of customer accounts that potentially could be connected to a new system is approximately 5,000. The proposed project area is approximately 8,100 acres in size. The west project area boundary is the western property line of parcels adjacent to Monkhouse Drive. The east project area boundary is the eastern property line of parcels along Pompano Drive (north of Highway 87) and eastern property line of parcels along Sailfish Drive (south of Highway 87). The north project area is bound by the Gulf Intercoastal Waterway and the south project area boundary is the southern property line of parcels adjacent to the shoreline of Gulf of Mexico.

B. Alternatives to the Proposed Action

Alternatives to the proposed action will be analyzed in the EIS. Typically the alternatives section in an EIS examines development options that would tend to reduce project-related impacts. The full range of alternatives for the wastewater collection system alternatives, wastewater treatment plant alternatives, and wastewater treatment plant site alternatives will be defined when the full extent of the proposed project's impacts is identified, but at this time, it is anticipated that they will include the following:

1. Wastewater Collection System Alternatives

Alternative 1—No Action Alternative

The No Action Alternative would analyze the continuation of use of individual on-site septic systems and existing limited pressure system; therefore, existing private septic and existing limited systems would remain within the project area and no new system or additional system would be implemented.

Alternative 2—Pressure System

Alternative 2 would evaluate the construction of a pressure collection system at proposed location in Crystal Beach. A pressure collection system includes use of an individual grinder pump at each facility connection to pressurize the wastewater through a pressurized pipe grid. The wastewater

would be pumped through the network with the aid of strategically located small lift stations to the wastewater treatment plant. Typically, pipes installed for a pressure system can be located shallower in the ground (2 to 4 feet below surface) because slope is not as important to the function of the system.

Alternative 3—Gravity System

Alternative 3 would evaluate the construction of a gravity collection system at proposed location in Crystal Beach. In this system, wastewater would flow by gravity through most of the network. Pipes would need to be installed deeper to allow for the necessary slope to maintain flow. Lift stations would still be required to pump wastewater short distances.

Alternative 4—Vacuum System

Alternative 4 would evaluate the construction of a vacuum system at proposed location in Crystal Beach. A vacuum system conveys waste from homes to a vacuum valve pit then to a vacuum station. The piping for this type of system is similar to a pressure system and constructed in shallow trenches.

2. Wastewater Treatment Plant Alternatives

Two types of wastewater treatment plants would be considered for the Crystal Beach facility, including a packaged treatment plant and a conventionally constructed wastewater treatment plant. Packaged wastewater treatment plants are pre-fabricated and modular and built off-site to be later installed at site. The conventional wastewater treatment plant consists of modular construction and concrete walls/basins and built on-site.

3. Wastewater Treatment Plant Site Alternatives

Six potential site locations were preliminarily reviewed during initial planning of preliminary engineering. Four sites (Site Alternatives C, D, E and F) will be carried forward and evaluated in this EIS for the location of the wastewater treatment plant in Crystal Beach. The site alternatives are located north of State Highway 87 between Whispering Palms to the west and Guppy Drive to the east. It is anticipated that the footprint of the wastewater treatment plant would be about 2 acres and be elevated above the 500-year floodplain.

C. Scoping

A public EIS scoping meeting will be held on June 26, 2014 at 7:00 p.m. at the Galveston County Annex, 946 Noble Carl Drive, Crystal Beach, Texas. The EIS scoping meeting will provide an opportunity for the public to learn more about the project and provide input to the environmental process. At the meeting, an overview of the project will be presented and members of the public will be invited to comment on the proposed project and the scope of work for the environmental analyses in the EIS. Written comments and testimony concerning the scope of the EIS will be accepted at this meeting. In accordance with 40 CFR 1501.7, affected Federal, state, and local agencies, any affected Indian tribe, and other interested parties will be sent a scoping notice. In accordance with 24 CFR 58.59, the scoping hearing will be preceded by a notice of public hearing published in the local news media at least 15 days before the hearing date. Information about the proposed project will be provided at the scoping meeting. Additional information for the scoping meeting may be obtained by contacting, Nicholas Foster, CDBG Project Coordinator, Galveston County, 722 Moody, 3rd Floor, Galveston, TX 77550; email: *Nicholas.Foster@co.galveston.tx.us.*

D. Probable Environmental Effects

The EIS will analyze impacts to the following resources that may be associated with this proposed project, but not limited to:

- Floodplains
- Wetlands
- Endangered Species
- Migratory Birds
- Coastal Management Zones
- Pollution of Water Resources
- Cultural Resources
- Public health
- Community Impacts
- Indirect and Cumulative Impacts
- Sustainability

Questions may be directed to the individual named in this notice under the heading **FOR FURTHER INFORMATION CONTACT**.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 27, 2014.

Mark Johnston,

Assistant Secretary for Community Planning and, Development (Acting).

[FR Doc. 2014–07366 Filed 4–1–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N057; FXIA16710900000–145–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before May 2, 2014.

ADDRESSES: Shauntá Nichols, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Shauntá Nichols, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for

which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Marc Papiernik, Romeoville, IL; PRT–817531

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoise (*Astrochelys radiata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: U.S. Fish and Wildlife Service, Boise, ID; PRT–29429B

The applicant requests a permit to export biological samples from endangered populations of gray wolf (*Canis lupus*) in the western United States for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Ferdinand Fercos-Hantig and Anton Fercos-Hantig, Las Vegas, NV; PRT–114454 and 206853

The applicant requests permits to re-export and re-import a captive-born tiger (*Panthera tigris*) and a captive-born Bengal tiger (*Panthera tigris tigris*) to worldwide locations for the purposes of enhancement of the species. The permit numbers and animals are 114454, Dora and 206853, Allaya. This notification covers activities to be conducted by the applicant over a 3-year period.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Colin Cooper, Orange, CA; PRT–29013B

Applicant: Richard Bisbee, Plano, TX; PRT–29431B

Shauntá Nichols,

Legal Instrument Examiner, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–07319 Filed 4–1–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON04000 L16100000.DP000]

Notice of Intent To Prepare an Environmental Impact Statement for the Previously Issued Oil and Gas Leases in the White River National Forest; Silt, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Bureau of Land Management (BLM) Colorado River Valley Field Office (CRVFO), Silt, Colorado, intends to prepare an Environmental Impact Statement (EIS) to undertake NEPA analysis addressing previous decisions to issue 65 leases underlying White River National Forest (WRNF) lands. In 2007, the Interior Board of Land Appeals (IBLA) ruled that before including WRNF parcels in an oil and gas lease sale, the BLM must either formally adopt NEPA analysis completed by the WRNF or conduct a NEPA analysis of its own (*see Board of Commissioners of Pitkin County, 173 IBLA 173 (2007)*). Because the BLM has determined that the WRNF NEPA analysis conducted is no longer adequate, the BLM will conduct its own NEPA analysis through this EIS regarding these previous decisions to lease WRNF lands for oil and gas development. The BLM will determine whether these 65 leases should be voided, reaffirmed, modified with additional or different terms, or subject to additional mitigation measures for site-specific development proposals. By this notice, the CRVFO is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until May 2, 2014. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: *http://www.blm.gov/co/st/en/fo/crvfo.html.* All comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting (whichever is later) to be included in the Draft EIS. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Previously Issued Oil and Gas Leases in the White River National Forest EIS by any of the following methods:

- Web site: *http://www.blm.gov/co/st/en/fo/crvfo.html.*
- Email: *WRNFleases@blm.gov.*
- Fax: 970–876–9090.
- Mail: Bureau of Land Management, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652.

Documents pertinent to this proposal may be examined at the CRVFO at the above address.

FOR FURTHER INFORMATION CONTACT: Steve Bennett, Colorado River Valley Field Manager, at the address above, by telephone at 970–876–9000, or by email at *WRNFleases@blm.gov.* You may also use the above contact information to have your name added to the mailing list. 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 BLM intends to develop an EIS to address the NEPA defect identified by the IBLA related to the issuance of the oil and gas leases underlying WRNF lands.

The most recent decision making these lands available for oil and gas leasing was made through the 1993 WRNF Oil and Gas Leasing EIS, a decision that was reaffirmed in the 2002 White River National Forest Plan. Before offering the nominated parcels in an oil and gas lease sale, the BLM obtained concurrence from the U.S. Forest Service and subsequently issued the leases. However, the BLM did not conduct any additional NEPA analysis or formally adopt the U.S. Forest Service NEPA. The 2007 ruling from the IBLA (*see Board of Commissioners of Pitkin County, 173 IBLA 173 (2007)*), determined that the BLM must either do its own NEPA analysis or formally adopt the U.S. Forest Service NEPA analysis before offering the U.S. Forest Service parcels for lease. The BLM has determined that analysis in the 1993 WRNF Oil and Gas Leasing EIS is no longer adequate to support the BLM's leasing decisions. As a result, the BLM has determined that it needs to conduct additional NEPA analysis on these decisions. The BLM has considered the potential context and intensity of the proposed action's impacts and determined an EIS is needed to analyze the impacts of its leasing decisions within the WRNF. The BLM will use an interdisciplinary approach to develop a proposed EIS that will consider the variety of resource issues and concerns identified. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS.

The BLM identified 65 existing leases with effective dates ranging from 1995 to 2012 that were leased under the 1993 EIS. The BLM's EIS will include additional analysis concerning the decisions about these leases and will address the deficiency noted by the IBLA. The decision of whether forest system lands are available or unavailable for oil and gas leasing remains with the U.S. Forest Service, although the BLM retains the ultimate discretion whether to issue a lease (43 CFR 3101.7–2). In light of this, the BLM will only consider the 65 currently leased parcels and not future leasing availability. Under a separate effort unrelated to the IBLA case, the WRNF is updating its 1993 Oil and Gas Leasing EIS to address future oil and gas leasing availability on the WRNF. The Draft of updated Oil and Gas Leasing EIS was released by the Forest Service for public comment from August 2012 until November 2012.

The BLM will incorporate as much of the U.S. Forest Service's new NEPA analysis of future oil and gas leasing on the WRNF as possible into its analysis of existing leases. In addition, the BLM's EIS would not be directly tied to any pending or proposed Applications for Permit to Drill because of the U.S. Forest Service's authority to address on the surface use Plan of Operations and related analysis.

The BLM has identified new information that has become available since the 1993 WRNF Oil and Gas leasing Final EIS decision that will need to be addressed in the BLM's EIS. The BLM has identified the following preliminary issues:

(1) The level of oil and gas leasing, drilling and production activity within the WRNF has increased dramatically since the 1993 Oil and Gas leasing Final EIS decision. The number of acres leased has nearly tripled since 1993. The increased level of oil and gas leasing, drilling and production activity indicates a need to update the Reasonable Foreseeable Development scenario for oil and gas activities on the WRNF lands.

(2) Oil and gas exploration and production technology have improved since 1993. The BLM will consider and analyze these advancements in the impact analysis.

(3) An increased level of oil and gas activity has created an increased level of public interest in oil and gas related activities on public lands.

(4) Since 1993, the BLM has new information related to air resources management, including air quality modeling.

(5) The BLM will address lands in WRNF inventoried as Roadless areas in the updated EIS.

(6) The EIS will address changes since 1993 to BLM sensitive species and to species listed as threatened or endangered under the Endangered Species Act of 1973.

Input received under public processes provided under NEPA will assist in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA)(16 USC 470f) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed EIS will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State and local agencies, along with tribes that may be interested in or affected by the proposed decisions the BLM is evaluating in this EIS, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

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: 40 CFR 1501.7.

Ruth Welch,

BLM Colorado Acting State Director.

[FR Doc. 2014–07478 Filed 4–1–14; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTL00000.L10200000.PG0000]

Notice of Public Meeting; Central Montana Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Central Montana Resource Advisory Council (RAC) will meet as indicated below.

DATES: The meeting will be May 13–14, 2014. The May 13 meeting will begin at 10:00 a.m. with a 30-minute public comment period and will adjourn at 5:00 p.m. The May 14 meeting will begin at 8:00 a.m. with a 30-minute public comment period beginning at 10:00 a.m. and will adjourn at 12:00 p.m.

ADDRESSES: The meetings will be in the Bureau of Land Management, Central Montana District Office, Lewistown Field Office Conference Room at 920 NE Main, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Mark Albers, HiLine District Manager, Great Falls Field Office, 1101 15th Street North, Great Falls, MT 59401, (406) 791–7789, *malbers@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–677–8339 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: This 15-member council advises the Secretary of the Interior on a variety of management issues associated with public land management in Montana. During these meetings the council will participate in/discuss/act upon these topics/activities: A roundtable discussion among council members and the BLM; orientation of new members; election of officers; report on Chairpersons meeting; update on litigations; Greater Sage-grouse and Lewistown RMP updates; discussion about the Missouri Breaks Interpretive Center fee increase; discussion about establishing a rental program for the Zortman Ranger Station; discussion about establishing a reservation system for Buff's Day Use Area; and District Managers' updates. All RAC meetings are open to the public.

Each formal RAC meeting will also have time allocated for hearing public comments.

Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Dated: March 24, 2014.

Mark K. Albers,

HiLine District Manager.

[FR Doc. 2014–07338 Filed 4–1–14; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2014–0010; MMAA104000]

Environmental Assessment for Potential Interim Policy Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf (OCS) Offshore Georgia

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of the Availability of an Environmental Assessment.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) has prepared an Environmental Assessment (EA) considering the reasonably foreseeable environmental and socioeconomic impacts of issuing an Interim Policy lease and subsequent site characterization activities (geophysical, geotechnical, archaeological, and biological surveys) in Official Protraction Diagram NH 17–02 Blocks 6074, 6126, and 6174, offshore Georgia. The EA also considers the reasonably foreseeable impacts associated with the approval of site assessment activities (including the installation and operation of a meteorological tower and/or buoys) on the lease that may be issued. The purpose of this notice is to inform the public of the availability of the EA for review, to solicit public comments on the EA, and to seek public comment and input under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and its implementing regulations (36 CFR part 800).

The EA can be found online at *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Georgia.aspx.*

FOR FURTHER INFORMATION CONTACT: Michelle Morin, BOEM Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817, (703) 787–1340 or *michelle.morin@boem.gov.*

SUPPLEMENTARY INFORMATION: On November 6, 2007, the Minerals Management Service (MMS), now BOEM, announced an Interim Policy for authorizing the issuance of leases for the installation of offshore data collection and technology testing facilities on the OCS (72 FR 62673). An applicant has submitted a lease proposal to BOEM pursuant to the Interim Policy and, thus, has initiated the need for an EA.

On July 23, 2008, Southern Company nominated three OCS blocks, approximately 3 to 11 nautical miles off the coast of Tybee Island, Georgia. On April 7, 2011, Southern Company submitted an application to lease the area identified as Brunswick NH 17–02 OCS Blocks 6074, 6174, and 6126. The proposed lease area covers about 70 square kilometers (17,280 acres) of seafloor and ranges from a depth of 12 meters (m) in Block 6074 to 20 m in the eastern half of Block 6126. Southern Company submitted an amended project application in May 2012 and provided additional information in October 2012. The amendment describes additional data collection and technology testing activities to be conducted on the proposed lease. Southern Company intends to deploy a meteorological tower and/or meteorological buoys that will measure wind speed, direction and shear, and potentially collect other environmental data types during the five year lease term.

On December 14, 2012, BOEM published a Notice of Intent (NOI) to prepare an EA that requested public comments on alternatives for consideration in the EA as well as identification of important environmental issues associated with issuing a lease for an offshore data collection facility and related activities (77 FR 74512). BOEM considered these public comments in drafting the alternatives and assessing the reasonably foreseeable environmental impacts associated with each. Comments received in response to the NOI can be viewed at: *http://www.regulations.gov* by searching for Docket ID BOEM–2012–0074.

BOEM is seeking public input on the EA, including comments on the completeness and adequacy of the environmental analysis, and on the measures and operating conditions in the EA designed to reduce or eliminate potential environmental impacts. BOEM will consider public comments on the EA in determining whether to issue a Finding of No Significant Impact (FONSI) or conduct additional analysis

under the National Environmental Policy Act (NEPA). BOEM will conduct public information sessions to explain the proposed activities and provide additional opportunities for public input on the EA. Specific times and venues will be posted on the BOEM Web site at: *http://www.boem.gov/State-Activities-Georgia/.*

Additionally, as part of its compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and its implementing regulations (36 CFR 800), BOEM is seeking public comment and input regarding the identification of historic properties or potential effects to historic properties from leasing and site assessment activities in the proposed lease area.

Comments

Federal, state, and local government agencies, tribal governments, and other interested parties are requested to submit their written comments on the EA in one of the following ways:

1. Electronically: *http://www.regulations.gov.* In the entry entitled ''Enter Keyword or ID,'' enter BOEM–2014–0010, then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials available for this document.

2. In written form, delivered by hand or by mail, enclosed in an envelope labeled ''Comments on Environmental Assessment for Potential Interim Policy Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf (OCS) Offshore Georgia'' to: Program Manager, Office of Renewable Energy Programs, Bureau of Ocean Energy Management, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817.

Comments must be received or postmarked no later than May 2, 2014. All written comments received or postmarked during the comment period will be made available to the public.

Authority: This Notice of the Availability (NOA) of an EA is published pursuant to 43 CFR 46.305.

Dated: March 27, 2014.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–07376 Filed 4–1–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0039]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Federal Firearms Licensee Firearms Inventory Theft/Loss Report

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives; Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 20, page 4957 on January 30, 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 May 2, 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 April Carroll, Chief, Law Enforcement Support Branch, National Tracing Center, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or email 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 1140–0039

(1) *Type of Information Collection:* Extension of a currently approved collection

(2) *Title of the Form/Collection:* Federal Firearms Licensee Firearms Inventory Theft/Loss Report

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 3310.11.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individual or households.

Other: Business or other for-profit.

Abstract: Authorization of this form is requested as the Violent Crime Control and Law Enforcement Act requires Federal firearms licensees to report to the Bureau of Alcohol, Tobacco, Firearms and Explosives and to the appropriate local authorities any theft or loss of a firearm from the licensee's inventory or collection, within a specific time frame after the theft or loss is discovered.

(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 4,000 respondents will respond annually, taking 24 minutes to complete each form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 1,600 annual total 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 27, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–07300 Filed 4–1–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140—NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Tobacco Inventory Report and Direct Sales Report

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives; Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 2, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional 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 Joseph Fox, Chief, Alcohol and Tobacco Enforcement Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue NE., Washington, DC 20226 or at *Joseph.Fox@atf.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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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:* New Collection.

2. *The Title of the Form/Collection:* Tobacco Inventory Report and Direct Sales Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number(s): ATF Form 5200.25 and ATF Form 5200.26.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: The amendment of the Contraband Cigarette Trafficking Act (CCTA) requires a person who sells more than 10,000 cigarettes or more than 500 single-unit consumer-sized cans or packages of smokeless tobacco per month and conducts non-face-to-face consumer sales must report to ATF specific information regarding their inventory and those sales. These forms will be used to report tobacco inventory and sales and identify persons or businesses that are selling and moving tobacco products illegally.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 3,000 respondents will take 1 hour each month to complete ATF Form 5200.25; and 3,500 respondents will take 30 minutes each month to complete ATF Form 5200.26. The combined estimated total number of respondents for this collection is 6,500.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 57,000 hours. It is estimated that respondents for ATF Form 5200.25 will take 36,000 hours annually; and respondents for ATF Form 5200.26 will take 21,000 hours annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3W–1407B, Washington, DC 20530.

Dated: March 27, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–07301 Filed 4–1–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0019]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Federal Firearms License (FFL) RENEWAL Application

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives; Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 20, page 4957 on January 30, 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 May 2, 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 Tracey Robertson, Chief, Federal Firearms Licensing Center, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or email 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 1140–0019

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Federal Firearms License (FFL) RENEWAL Application.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 8 (5310.11) Part II.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Individual or households.

Abstract: The form is filed by the licensee desiring to renew a Federal firearms license. It is used to identify the applicant, locate the business/collection premises, identify the type of business/collection activity, and determine the eligibility of the applicant.

(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 30,000 respondents will respond annually, taking 30 minutes to complete each form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 15,000 annual total 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 27, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–07299 Filed 4–1–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0007]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Immigration Practitioner Complaint Form

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 2, 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 Jeff Rosenblum, General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 22041; telephone: (703) 305–0470.

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 Executive Office for Immigration Review, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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:* Extension of a currently approved collection.

2 *The Title of the Form/Collection:* Immigration Practitioner Complaint Form.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is EOIR–44, Executive Office for Immigration Review, United States Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals who wish to file a complaint against an immigration practitioner authorized to appear before the Board of Immigration Appeals and the immigration courts. Other: None. Abstract: The information on this form will be used to determine whether the Office of the General Counsel of the Executive Office for Immigration Review should conduct a preliminary disciplinary inquiry, request additional information from the complainant, refer the matter to a state bar disciplinary authority or other law enforcement agency, or take no further action.

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 200 respondents will complete the form annually with an average of two hours per response.

6 *An estimate of the total public burden (in hours) associated with the*

collection: The estimated public burden associated with this collection is 400 hours. It is estimated that respondents will take 2 hours to complete the form. The burden hours for collecting respondent data sum to 400 hours (200 respondents × 2 hours = 400 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., 3W–1407B, Washington, DC 20530.

Dated: March 28, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–07341 Filed 4–1–14; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; State and Local White Collar Crime Program, 2013

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) has submitted 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 June 2, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments especially 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 Tracey Kyckelhahn, Statistician, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–353–7381)

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 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 Bureau of Justice Statistics, 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 or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* New data collection, State and Local White Collar Crime Program (SLWCCP), 2013.

(2) *The title of the Form/Collection:* State and Local White Collar Crime Program or SLWCCP, 2013.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form labels are SLWCCP—2013, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:*

Primary: State, DC, and territory Attorney General offices.

Abstract: The State and Local White Collar Crime Program (SLWCCP) will survey all state Attorney General (AG) offices on their criminal and civil white collar crime cases through a web-based questionnaire. For this collection, a white collar offense is defined as ''any violation of law committed through non-violent means, involving lies, omissions, deceit, misrepresentation, or violation of a position of trust, by an individual or organization for personal or organizational profit.'' The SLWCCP will obtain data on the types of offenses each AG office handles, the number of cases, the types of defendants (individual vs. business), and the outcomes of the cases. The SLWCCP will also collect information on AG office cooperation with regulatory agencies and federal and local governments.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 56 respondents with an average of 31 minutes to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,736 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., 3W–1407B, Washington, DC 20530.

Dated: March 28, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–07342 Filed 4–1–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On March 27, 2014, the Department of Justice lodged two proposed consent decrees with the United States District Court for the District of New Jersey in the lawsuit entitled *United States* v. *Clifton 2003, et al.,* Civil Action No. 2:14–CV–01918–ES–MAH.

The United States filed this lawsuit against Clifton 2003, LLC (Clifton), The Hampshire Generational Fund, LLC (Hampshire), and WEA Enterprises Co., Inc. (WEA) under the Comprehensive Environmental Response, Compensation and Liability Air Act (CERCLA), seeking to recover response costs that EPA incurred in removal actions at the Abrachem Chemical Superfund Site in Clifton, New Jersey. The complaint also asserts claims against Clifton and Hampshire under the Federal Debt Collection Procedures Act (FDCPA) and the Federal Priority Statute (FPS), based on Clifton's sale of its property and alleged fraudulent transfer of the assets to Hampshire.

The United States entered into two separate consent decrees to resolve the claims alleged in the complaint. Under its decree, WEA will pay $257,000, in exchange for a covenant not to sue pursuant to CERCLA Section 107 to recover response costs incurred through the date of entry of the decree. Under their decree, Clifton and Hampshire will pay $1.9 million, in exchange for a covenant not to sue pursuant to CERCLA Section 107, the FDCPA, or the

FPS to recover response costs incurred through the date of entry of the decree. Together, the decrees recover a total of $2,157,000 toward the approximately $2.6 million that the United States incurred at the site.

The publication of this notice opens a period for public comment on the consent decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Clifton 2003, LLC, et al.,* D.J. Ref. No. 90–11–3–10618. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decrees may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decrees upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.50 (25 cents per page reproduction cost) for either the Clifton/Hampshire decree or the WEA decree (specifying which decree is being requested), or $9.00 for both decrees, payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–07313 Filed 4–1–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 04–14]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Friday, April 11, 2014: 10 a.m.—Issuance of Proposed Decisions in claims against Iraq.

STATUS: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2014–07455 Filed 3–31–14; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0033]

Standard on the Control of Hazardous Energy (Lockout/Tagout); Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements specified in the Standard on the Control of Hazardous Energy (Lockout/Tagout) (29 CFR 1910.147).

DATES: Comments must be submitted (postmarked, sent, or received) by June 2, 2014.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0033, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number for the Information Collection Request (ICR) (OSHA–2011–0033). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of

1970 (the OSH Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Standard specifies several information collection requirements. The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to control the release of hazardous energy sources while workers service, maintain, or repair machines or equipment when activation, start up, or release of energy from an energy source is possible; proper control of hazardous energy sources prevent death or serious injury among these workers.

Energy Control Procedure (paragraph (c)(4)(i)). With limited exception, employers must document the procedures used to isolate from its energy source and render inoperative, any machine or equipment prior to servicing, maintenance, or repair by workers. These procedures are necessary when activation, start up, or release of stored energy from the energy source is possible, and such release could cause injury to the workers.

Paragraph (c)(4)(ii) states that the required documentation must clearly and specifically outline the scope, purpose, authorization, rules, and techniques workers are to use to control hazardous energy, and the means to enforce compliance. The document must include at least the following elements:

(A) A specific statement regarding the use of the procedure;

(B) Detailed procedural steps for shutting down, isolating, blocking, and securing machines or equipment to control hazardous energy,

(C) Detailed procedural steps for placing, removing, and transferring lockout or tagout devices, including the responsibility for doing so; and,

(D) Requirements for testing a machine or equipment to determine and verify the effectiveness of lockout or tagout devices, as well as other energy control measures.

Protective Materials and Hardware (paragraphs (c)(5)(ii)(D) and (c)(5)(iii)). Paragraph (C)(5)(ii)(D) requires that lockout and tagout devices indicate the identity of the employee applying it. Paragraph (c)(5)(iii) requires that tags warn against hazardous conditions if the machine or equipment is energized. In addition, the tag must include a legend such as one of the following: Do Not Start; Do Not Open; Do Not Close; Do Not Energize; Do Not Operate.

Periodic Inspection Certification Records (paragraph (c)(6)(ii)). Under paragraph (c)(6)(i), employers are to conduct inspections of energy control procedures at least annually. An authorized worker (other than an authorized worker using the energy control procedure that is the subject of the inspection) is to conduct the inspection and correct any deviations or inadequacies identified. For procedures involving either lockout or tagout, the inspection must include a review, between the inspector and each authorized worker, of that worker's responsibilities under the procedure; for procedures using tagout systems, the review also involves affected workers, and includes an assessment of the workers' knowledge of the training elements required for these systems. Paragraph (c)(6)(ii) requires employers to certify the inspection by documenting the date of the inspection and identifying the machine or equipment inspected, the workers included in the inspection, and the worker who performed the inspection.

Training Certification Records (paragraph (c)(7)(iv)). Under paragraph (c)(7)(iv), employers are to certify that workers completed the required training, and that this training is up-to-date. The certification is to contain each worker's name and the training date. Written certification of the training assures the employer that workers receive the training specified by the Standard.

Disclosure of Inspection and Training Certification Records (paragraphs (c)(6)(ii) and (c)(7)(iv)). Under these provisions, employers subject to an OSHA inspection are required to disclose inspection and training certification records to the OSHA compliance officer.

Notification of Employees (paragraph (c)(9)). This provision requires the employer or authorized worker to notify affected workers prior to applying, and after removing, a lockout or tagout device from a machine or equipment.

Off-Site Personnel (Contractors, etc.) (paragraph (f)(2)(i)). When the on-site employer uses an off-site employer (e.g., a contractor) to perform the activities covered by the scope and application of the Standard, the two employers must inform each other regarding their respective lockout or tagout procedures.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on the Control of Hazardous Energy (Lockout/Tagout) (29 CFR 1910.147). The Agency is requesting an adjustment decrease in the number of burden hours from 2,989,421 hours to 2,646,702 hours, a total decrease of 342,719 burden hours. In addition, OSHA is requesting an adjustment decrease of $216,410 in operation and maintenance costs (from $1,642,831 to $1,426,421) associated with the purchase of tags and ties by employers. These decreases are based on updated data showing a decrease in the number of affected high impact establishments. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Standard on the Control of Hazardous Energy (Lockout/Tagout) (29 CFR 1910.147).

OMB Control Number: 1218–0150.

Affected Public: Business or other for-profits.

Number of Respondents: 730,706.

Frequency of Responses: Initially; Annually; On occasion.

Total Responses: 72,337,270.

Average Time per Response: Varies from 15 seconds (.004 hour) for an employer or authorized worker to notify affected workers prior to applying, and after removing, a lockout/tagout device from a machine or equipment to 80 hours for certain employers to develop energy control procedures.

Estimated Total Burden Hours: 2,646,702.

Estimated Cost (Operation and Maintenance): $1,426,422.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0033). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on March 27, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–07314 Filed 4–1–14; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of Procurement; Public Availability of the National Aeronautics and Space Administration FY 2013 Service Contract Inventory (SCI)

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Public Availability of the FY 2013 Service Contract Inventory, PSC codes selected for FY 2013 SCI Analysis, and FY 2012 Service Contract Inventory Analysis.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the National Aeronautics and Space Administration (NASA) is publishing this notice to advise the public of the availability of its analysis of FY 2012 Service Contract Inventory and its FY 2013 Service Contract Inventory. This inventory provides information on service contract actions over $25,000 that were accomplished in FY 2013. The inventory has been developed in accordance with guidance issued on December 19, 2011, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). NASA has posted documents associated with the Service Contract inventory, including the documents addressed above, on the NASA Office of Procurement homepage at the following link: *http://www.hq.nasa.gov/office/procurement/scinventory/index.html.*

Point of contact for this initiative is Craig Bowers (202) 358–2235, *craig.w.bowers@nasa.gov.*

William McNally,

Assistant Administrator for Procurement.

[FR Doc. 2014–07007 Filed 3–27–14; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts Advisory Panel Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that five meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference at the National Endowment for the Arts, Washington, DC 20506 as follows (all meetings are Eastern time and ending times are approximate):

Design (application review): This meeting will be closed.

Dates: April 23, 2014. 2:00 p.m. to 5:00 p.m.

Design (application review): This meeting will be closed.

Dates: April 24, 2014. 2:00 p.m. to 5:00 p.m.

Design (application review): This meeting will be closed.

Dates: April 25, 2014. 2:00 p.m. to 5:00 p.m.

Design (application review): This meeting will be closed.

Dates: May 1, 2014. 2:00 p.m. to 5:00 p.m.

Design (application review): This meeting will be closed.

Dates: May 2, 2014. 2:00 p.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *plowitzk@arts.gov*, or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: March 28, 2014.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2014–07322 Filed 4–1–14; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings

April 2014

TIME AND DATES: All meetings are held at 2:00 p.m.

Tuesday, April 1;
Wednesday, April 2;
Thursday, April 3;
Tuesday, April 8;
Wednesday, April 9;
Tuesday, April 15;
Wednesday, April 16;
Thursday, April 17;
Tuesday, April 22;
Wednesday, April 23;
Thursday, April 24;
Tuesday, April 29;
Wednesday, April 30.

PLACE: Board Agenda Room, No. 11820, 1099 14th St. NW., Washington, DC 20570.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition . . . of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Henry Breiteneicher, Associate Executive Secretary, (202) 273–2917.

Dated: March 28, 2014.

William B. Cowen,

Solicitor.

[FR Doc. 2014–07426 Filed 3–31–14; 11:15 am]

BILLING CODE 7545–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395; License No. NPF–12; EA–12–140; NRC–2014–0066]

In the Matter of South Carolina Electric & Gas Company, Virgil C. Summer Nuclear Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Confirmatory order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a confirmatory order to South Carolina Electric & Gas Company (SCE&G or Licensee), the holder of License No. NPF–12, authorizing the operation of Virgil C. Summer Station (SNS), Unit 1. The facility is located on the Licensee's site in Jenkinsville, South Carolina. The order was a result of Alternative Dispute Resolution between the NRC and SCE&G, and required SCE&G to complete a number of corrective actions in response to an incident involving an individual who falsified documentation to gain site access.

DATES: *Effective Date:* March 10, 2014.

ADDRESSES: Please refer to Docket ID NRC–2014–0066 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0066. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For questions about this Order, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The Order is available in ADAMS under Accession No. ML14071A565.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Carolyn Evans, Enforcement and Investigations Coordination Staff, Region II, U.S. Nuclear Regulatory Commission, 245 Peachtree Center Avenue, Suite 1200, Atlanta, Georgia, 30303; telephone: 404–997–4414; email: *Carolyn.Evans@nrc.gov*.

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Atlanta, Georgia, this 26th day of March, 2014.

For the Nuclear Regulatory Commission.

Leonard D. Wert,

Deputy Regional Administrator for Operations.

Attachment—Confirmatory Order

Confirmatory Order

I

South Carolina Electric & Gas Company (SCE&G or Licensee) is the holder of License No. NPF–12, issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on August 6, 1982, and renewed on April 23, 2004. The license authorizes the operation of Virgil C. Summer Nuclear Station (SNS), Unit 1, in accordance with the conditions specified therein. The facility is located on the Licensee's site in Jenkinsville, South Carolina.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on October 8, 2013.

II

On January 16, 2013, the NRC's Office of Investigations (OI), Region II, completed an investigation regarding a security matter at SNS. The purpose of the investigation was to: (1) Review the facts and circumstances surrounding the actions of a former Environmental Health and Safety Specialist, Stone & Webster, Inc. (Shaw) employee, who in approximately September of 2010 falsified an SNS Unit 1 Personnel History Questionnaire (PHQ) and provided a fictitious court record to deliberately conceal potentially disqualifying criminal history information in order to obtain employment at the site, and (2) determine whether the SNS access officials properly adjudicated potentially disqualifying information in this individual's PHQ, and supporting materials, prior to granting him unescorted access authorization (UAA) during the September 2010 time frame.

Based on the investigation and NRC staff review, two apparent violations were identified, as documented in the NRC's letter to SCE&G dated June 4, 2013.

The first apparent violation involved the willful actions of the licensee's access authorization staff, which caused the licensee's access authorization program to fail to provide high assurance that individuals granted unescorted access are trustworthy and reliable such that they do not constitute an unreasonable risk to public health and safety, as required by Title 10 of the *Code of Federal Regulations* at 10 CFR

73.56(c). Specifically, on September 14, 2010, licensee access authorization reviewing officials reviewed, adjudicated, and granted an individual unescorted access authorization by relying unreasonably on a falsified PHQ and fabricated court record to determine his trustworthiness and reliability.

The second apparent violation involved the willful failure to comply with the requirements of 10 CFR 50.9(a) which, in part, states that ''information required by statute or Commission regulations to be maintained shall be complete and accurate in all material respects.'' In part, 10 CFR 73.56(o)(2) requires the licensee to retain records of information that must be collected under subparts (d) and (e) of 73.56 that result in the granting of unescorted access for at least 5 years after the licensee terminates, or denies an individual's unescorted access or unescorted access authorization. On September 14, 2010, the licensee collected and maintained a criminal history record to support the granting of unescorted access that was inaccurate and incomplete in a material respect. Specifically, a fabricated court document was accepted by the Licensee to reflect a favorable disposition of a criminal matter (i.e., dismissal of arson charges) that, in fact, was not favorably resolved. This information was material because it was relied upon to provide the requisite high assurance that the individual who submitted the document was trustworthy and reliable, and to support the granting of unescorted access to SNS.

III

On October 8, 2013, the NRC and SCE&G met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement or resolving any differences regarding their dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process. The elements of the agreement consist of the following:

1. The NRC and SCE&G agree that the issues described above resulted in an individual inappropriately being granted unescorted access to SNS, which was inconsistent with the requirements of 10 CFR 73.56(c) and 10 CFR 50.9. SCE&G does not agree that the violations were committed willfully, and on this point, the parties agree to disagree.

2. During the ADR, SCE&G described the corrective actions and enhancements completed in response to the issues described in the NRC's letter of June 4, 2013. These actions included but were not limited to the following:

a. Following the event, SCE&G held a stand down with the access control staff to discuss the event (completed on March 3, 2011).

b. SCE&G performed a root cause analysis of the event (completed on April 28, 2011).

c. SCE&G shared operating experience involving the event with the industry through the Nuclear Energy Institute's database, Advanced Taskforce Operations Management (ATOM) (completed on July 18, 2013).

d. SCE&G performed an extent of condition review of favorably adjudicated files over the last five years which contained documents used to grant unescorted access. SCE&G performed an additional review of a sample of 17 files randomly selected from 2010 (the year of the event). No issues requiring corrective actions were identified (completed on April 28, 2011).

e. SCE&G performed industry benchmarking of the issues including expectations for access officials in reviewing and adjudicating documents having raised seals (completed in July 2013).

f. SCE&G established an immediate interim requirement that in all cases where adjudication of a criminal history is required for making an access decision, the applicant must provide documentation having an official raised seal from the judicial source (e.g., court of law) or a telephonic authentication from the appropriate judicial entity (completed on March 3, 2011).

g. SCE&G made program improvements to its access authorization procedure, SAP–1005, including requiring a second, independent review of significant derogatory information, defining the term ''independent'', incorporating an in-process checklist, adding a method for making corrections to the Personal History Questionnaire (PHQ) information and ensuring information is marked as corrected, including a requirement that copies/faxes of official documents used to adjudicate criminal history must be sent directly to access officials (completed on August 4, 2011). SCE&G also defined in SAP–1005 a process for management involvement in the adjudication of derogatory information and required official documents with raised seals or copies/faxes of official documents used to adjudicate criminal history be sent directly to and authenticated with the person or entity that created the document by access officials without passing through the applicant's possession (completed on September 26, 2013).

h. SCE&G provided training on the revised SAP–1005 to Reviewing Officials (completed on September 9, 2011).

i. SCE&G developed a management observation template in accordance with SAP–1354, Management Observations and Worker Interface, for performing observations of Reviewing Officials (completed on September 13, 2011).

j. SCE&G added a requirement for a periodic self-assessment of the Access Control pre-employment screening process; this tasking was added to the station's self-assessment backbone schedule and is required to be performed at a three year frequency (completed on September 28, 2011).

k. SCE&G performed a snap shot self-assessment to serve as an effectiveness review for the root cause analysis (completed on March 14, 2012).

l. SCE&G developed a training and qualification program for initial and continuing training of Reviewing Officials. Training included conservative decision making and human performance tools such as maintaining a challenging and questioning attitude (Qualification program developed on November 3, 2011; Reviewing Officials completed qualification requirements on December 1, 2011).

m. SCE&G added warnings, cautions, and case studies to the PHQ which describes the consequences of not properly disclosing information (completed on August 4, 2011).

n. SCE&G emphasized applicant responsibility by requiring all applicants for access authorization to sign a statement attesting that they have read and understand the warnings and cautions on the PHQ which state that falsification/intentional omission of information are grounds for denial of unescorted access authorization (completed on August 4, 2011).

o. SCE&G performed an additional snapshot self-assessment of SA12–NP–04S, Review of Adjudication Records (completed on March 13, 2012).

p. SCE&G has conducted ongoing management observations of Reviewing Officials.

3. Based on SCE&G's review of the incident and NRC's concerns with respect to precluding recurrence of the violations, SCE&G agrees to the following corrective actions and enhancements:

a. By December 31, 2014, SCE&G will share operating experience (i.e., discuss the lessons learned and resulting

enhancements) regarding this event during the NEI Access Authorization/ Fitness for Duty Conference, and will maintain a copy of related presentation material for the purposes of NRC verification via follow-up NRC inspection. In lieu of sharing operating experience during the NEI Access Authorization/Fitness for Duty Conference, SCE&G may share lessons learned at a similar event, with prior verbal approval from the NRC Region II Regional Administrator, or Region II Deputy Regional Administrator, Operations.

b. By June 30, 2014, SCE&G will conduct annual training on completeness and accuracy of information, 10 CFR 50.9; deliberate misconduct, 10 CFR 50.5 and violations committed with careless disregard or reckless indifference to requirements as part of initial and continuing plant access training.

c. By June 30, 2014, SCE&G will provide one-time training to SCE&G supervisors and long-term contract supervisors on the topics in Section III.3.b above including detailed case studies.

4. The NRC considers the corrective actions and enhancements discussed in Paragraph III.2 and III.3 above to be appropriately prompt and comprehensive to address the causes which gave rise to the incident discussed in the NRC's letter of June 4, 2013.

5. The NRC and SCE&G agree that the above elements will be incorporated into issuance of a Confirmatory Order.

6. In consideration of the commitments delineated above, the NRC agrees to fully mitigate a civil penalty and issue a Notice of Violation (NOV) for all matters discussed in the NRC's letter to SNS of June 4, 2013 (EA 12–140). The NOV is incorporated into the resulting Confirmatory Order as Paragraph III.7, below. The Confirmatory Order will only be considered an escalated enforcement action by the NRC for future assessment of violations occurring at SNS within one year of the date of the Confirmatory Order.

7. As referenced in Paragraph III.6 of this Confirmatory Order, the following two violations are documented below:

a. 10 CFR 73.56(c) requires a licensee's access authorization program to provide high assurance that the individuals specified in paragraph (b)(1), and, if applicable, paragraph (b)(2) of this section are trustworthy and reliable, such that they do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage.

Contrary to the above, on September 14, 2010, the licensee's access authorization program failed to provide high assurance that individuals granted unescorted access to nuclear power plants are trustworthy and reliable and do not constitute an unreasonable risk to public health and safety or common defense and security, including the potential to commit radiological sabotage. Specifically, the licensee's access authorization reviewing officials granted an individual unescorted access authorization by relying on deliberate misstatements made in a PHQ and on a falsified court record to adjudicate potentially disqualifying information.

b. 10 CFR 50.9(a) requires information provided to the Commission by a licensee or required by statute or by NRC regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR 73.56(o)(2) requires licensees to retain records of the information that must be collected under paragraphs (d) and (e) of this section related to the granting of unescorted access or verifying of unescorted access authorization. These records must be retained for at least five years after the licensee grants, terminates, or denies an individual's unescorted access or unescorted access authorization or until the completion of all related legal proceedings, whichever is later.

Contrary to the above, on September 14, 2010, the licensee collected and maintained a criminal history record supporting the granting of unescorted access to an individual. This information was inaccurate and incomplete in a material respect. Specifically, a fabricated court document stating that arson charges had been dismissed was accepted by the licensee. In fact, the charges had not been dismissed and the charges were before a grand jury. This information was material to the NRC because it was relied upon to provide high assurance that the individual who submitted the document was trustworthy and reliable when this was not the case, and allowed the improper granting of unescorted access.

8. This agreement is binding upon successors and assigns of SCE&G.

On February 28, 2014, SCG&E consented to issuance of this Order with the commitments, as described in Section V below. The Licensee further agreed that this Order is to be effective 30 days after issuance and that it has waived its right to a hearing.

IV

Since the licensee has agreed to take additional actions to address NRC's concerns, as set forth in Item III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that SCE&G's commitments, as set forth in Section V, are acceptable and necessary and conclude that with these commitments, the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety requires that SCE&G's commitments be confirmed by this Order. Based on the above and SCE&G's consent, this Confirmatory Order is effective 30 days after issuance.

V

Accordingly, pursuant to Sections 104b., 161b., 161i., 161o., 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Parts 50 and 52, *it is hereby ordered, that License No. NPF–12 is modified as follows:*

a. By December 31, 2014, SCE&G will share operating experience (i.e., discuss the lessons learned and resulting enhancements) regarding this event during the NEI Access Authorization/ Fitness for Duty Conference, and will maintain a copy of related presentation material for the purposes of NRC verification via follow-up NRC inspection. In lieu of sharing operating experience during the NEI Access Authorization/Fitness for Duty Conference, SCE&G may share lessons learned at a similar event, with prior verbal approval from the NRC Region II Regional Administrator, or Region II Deputy Regional Administrator, Operations.

b. By June 30, 2014, SCE&G will conduct annual training on completeness and accuracy of information, 10 CFR 50.9; deliberate misconduct, 10 CFR 50.5 and violations committed with careless disregard or reckless indifference to requirements as part of initial and continuing plant access training.

c. By June 30, 2014, SCE&G will provide one-time training to SCE&G supervisors and long-term contract supervisors on the topics in Section III.3.b above including detailed case studies.

d. SCE&G will implement the continuing actions and activities as previously discussed in the following sections of this Order: Section III.2.g (management involvement in the adjudication of derogatory information);

Section III.2.j (self-assessment at a three year frequency); and Section III.2.l, (training and qualification program for initial and continuing training of Reviewing Officials).

The Regional Administrator, NRC Region II, may relax or rescind, in writing, any of the above conditions upon a showing by SCE&G of good cause.

VI

Any person adversely affected by this Order, other than SCE&G, may submit a written answer and/or request a hearing on this Order within 30 days from the date of this Order, pursuant to 10 CFR 2.302 and 10 CFR 2.309. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension.

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

All documents filed in the NRC adjudicatory proceedings, including a request for a hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule at 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or to physically deliver or mail a copy of documents on optical storage media. Participants may not submit paper copies of their filings unless they seek and receive an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital certificate). Based on this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in obtained from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for a hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel, and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contracting the NRC Meta System Help Desk thorough the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc/gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll free call to 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an extension request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing, if the presiding officer subsequently determines the reason for the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are

requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submissions.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

Dated this 10th day of March 2014.

For The Nuclear Regulatory Commission.

Leonard D. Wert,

Deputy Regional Administrator for Operations.

[FR Doc. 2014–07397 Filed 4–1–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on April 8, 2014, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, April 8, 2014—8:30 a.m. until 5:00 p.m.

The Subcommittee will review and discuss SECY–14–0016, ''Ongoing Staff Activities to Assess Regulatory Considerations for Power Reactor Subsequent License Renewal.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Kent Howard (Telephone 301–415–2989 or Email: *Kent.Howard@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013, (77 FR 67205–67206).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 27, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–07400 Filed 4–1–14; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, April 9, 2014, at 11 a.m.

PLACE: Commission Hearing Room, 901 New York Avenue NW., Suite 200, Washington, DC 20268–0001.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public. The open session will be audiocast. The audiocast may be accessed via the Commission's Web site at *http://www.prc.gov.* A period for public comment will be offered following consideration of the last numbered item in the open portion.

MATTERS TO BE CONSIDERED: The agenda for the Commission's April 9, 2014 meeting includes the items identified below.

PORTIONS OPEN TO THE PUBLIC:

1. Report from the Office of Public Affairs and Government Relations on legislative activities and the handling of rate and service inquiries from the public.

2. Report from the Office of General Counsel on the status of Commission dockets.

3. Report from the Office of Accountability and Compliance.

4. Report from the Office of the Secretary and Administration. Chairman's Public Comment Period (Opportunity for brief comments or questions from the public.)

PORTION CLOSED TO THE PUBLIC:

5. Discussion of pending litigation.

CONTACT PERSON FOR MORE INFORMATION: David A. Trissell, General Counsel, Postal Regulatory Commission, 901 New York Avenue NW., Suite 200, Washington, DC 20268–0001, at 202–789–6820 (for agenda-related inquiries) and Shoshana M. Grove, Secretary of the Commission, at 202–789–6800 or *shoshana.grove@prc.gov* (for inquiries related to meeting location, changes in date or time of the meeting, access for handicapped or disabled persons, the audiocast, or similar matters). The Commission's Web site may also provide information on changes in the date or time of the meeting.

By direction of the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–07452 Filed 3–31–14; 4:15 pm]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–9567; 34–71829, File No. 265–28]

Investor Advisory Committee Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee.

SUMMARY: The Securities and Exchange Commission Investor Advisory Committee, established pursuant to Section 911 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, is providing notice that it will hold a public meeting. The public is invited to submit written statements to the Committee.

DATES: The meeting will be held on Thursday, April 10, 2014, from 10 a.m. until 4:30 p.m. (EST). Written statements should be received on or before April 10, 2014.

ADDRESSES: The meeting will be held in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rules-comments@sec.gov.* Please include File No. 265–28 on the subject line; or

Paper Statements

- Send paper statements in triplicate to Kevin M. O'Neill, Deputy Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–28. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method.

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements 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: M. Owen Donley III, Chief Counsel, at (202) 551–6322, Office of Investor Education and Advocacy, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: Portions of the meeting will be open to the public, except during portions of the meeting reserved for meetings of the Committee's subcommittees. Persons needing special accommodations to take part because of a disability should notify the contact person listed in **FOR FURTHER INFORMATION CONTACT**. The agenda for the meeting includes: Remarks from Commissioners; remarks from the Investor Advocate; election of Investor Advisory Committee Chair; a recommendation from the Investor as Purchaser Subcommittee regarding crowdfunding regulations; and nonpublic subcommittee meetings.

Dated: March 28, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07346 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71819; File No. SR–FINRA–2013–039]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Disapprove Proposed Rule Change, As Modified by Amendment No. 1, To Clarify the Classification and Reporting of Certain Securities to FINRA

March 27, 2014.

On September 16, 2013, the Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 clarify the classification and reporting of certain securities to FINRA. The proposed rule change was published for comment in the **Federal Register** on September 30, 2013.[3] The Commission received two comments on the proposal.[4] On November 12, 2013, FINRA granted the Commission an extension of time to act on the proposal until December 29, 2013.

On December 24, 2013, the Commission instituted proceedings to determine whether to disapprove the proposed rule change (''Order Instituting Proceedings'').[5] On February 12, 2014, FINRA submitted Amendment No. 1 to respond to the comment letters and amend the proposed rule change, which the Commission published for comment in the **Federal Register** on March 5, 2014 (''Notice of Amendment No. 1'').[6] In response to the Order Instituting Proceedings and the Notice of Amendment No. 1, the Commission received one additional comment letter on the proposal.[7]

Section 19(b)(2) of the Act [8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule changes not later than 180 days after the date of publication of notice of their filing. The Commission may extend the period for issuing an order approving or disapproving the proposed rule changes, however, by up to 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. In this case, the proposed rule changes were published for notice and comment in the **Federal Register** on September 30, 2013; March 29, 2014, is 180 days from that date, and May 28, 2014, is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to evaluate Amendment No. 1 and the issues that commenters have raised concerning the proposed rule change and Amendment No. 1. Furthermore, the comment period for Amendment No. 1 expires on March 27, 2014, only one day prior to the end of the period within which the Commission otherwise would be required to issue its approval or disapproval order.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70482 (September 23, 2013), 78 FR 59995 (September 30, 2013).

[4] *See* Letters to the Commission from Sean Davy, Managing Director, Capital Markets, SIFMA, dated October 21, 2013; and Manisha Kimmel, Executive Director, Financial Information Forum, dated October 31, 2013.

[5] *See* Securities Exchange Act Release No. 71180 (December 24, 2013), 78 FR 79716 (December 31, 2013).

[6] *See* Securities Exchange Act Release No. 71629 (February 27, 2014), 79 FR 12541.

[7] *See* Letter to the Commission from Sean Davy, Managing Director, Capital Markets, SIFMA, dated March 14, 2014.

[8] 15 U.S.C. 78s(b)(2).

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates May 28, 2014, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–FINRA–2013–039).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–07279 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71821; File No. SR–NYSE–2014–17]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending a Pilot Program Related to Rule 128, Entitled ''Clearly Erroneous Executions For NYSE Equities''

March 27, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 26, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend a pilot program related to Rule 128, entitled ''Clearly Erroneous Executions For NYSE Equities.'' The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions. Portions of Rule 128, explained in further detail below, are currently operating as a pilot program set to expire on April 8, 2014.[4] The Exchange proposes to extend the pilot program to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan''), including any extensions to the pilot period for the Plan.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to Rule 128 to provide for uniform treatment: (1) Of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (2) in the event transactions occur that result in the issuance of an individual stock trading pause by the primary listing market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[6] The Exchange also adopted additional changes to Rule 128 that reduced the ability of the Exchange to deviate from the objective standards set forth in Rule 128,[7] and in 2013, adopted a provision designed to address the operation of the Plan.[8]

The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan. The Exchange believes that continuing the pilot will protect against any unanticipated consequences. Thus, the Exchange believes that the protections of the Clearly Erroneous Rule should continue while the industry gains further experience operating the Plan.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[9] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[10] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system. Although the Limit Up-Limit Down Plan is operational, the Exchange believes that maintaining the pilot will help to protect against unanticipated consequences. Thus, the Exchange believes that the protections of the Clearly Erroneous Rule should continue while the industry gains further experience operating the Plan. The Exchange also believes that the pilot program promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. Thus, the Exchange believes that the extension of the pilot would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a pilot basis to

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 70519 (September 26, 2013), 78 FR 60969 (October 2, 2013) (SR–NYSE–2013–65).

[5] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[6] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–NYSE–2010–47).

[7] *Id.*

[8] *See* Securities Exchange Act Release No. 68804 (Feb. 1, 2013), 78 FR 8677 (Feb. 6, 2013) (SR–NYSE–2013–11); Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release''); *see also* Exchange Rule 128(i).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

coincide with the operation of the Limit Up-Limit Down Plan.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change implicates any competitive issues. To the contrary, as noted above, the Exchange believes FINRA and other national securities exchanges are also filing similar proposals, and thus, that the proposal will help to ensure consistency across market centers.

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6)(iii) thereunder.[12]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the clearly erroneous pilot program to continue uninterrupted while the industry gains further experience operating under the Limit Up-Limit Down Plan, and avoid any investor confusion that could result from a temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–NYSE–2014–17 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–NYSE–2014–17.* 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–NYSE–2014–17 and should be submitted on or before April 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07286 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71822; File No. SR–Phlx–2014–19]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Extension of FLEX Option No Minimum Value Size Pilot Program

March 27, 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 20, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I 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 filing with the Commission a proposal to amend Phlx Rule 1079 (FLEX Index, Equity and Currency Options) to extend a pilot program that eliminates minimum value sizes for FLEX index options and FLEX equity options (together known as ''FLEX Options'').[3]

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In addition to FLEX Options, FLEX currency options are also traded on the Exchange. These flexible index, equity, and currency options provide investors the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices; and may have expiration dates within five years. *See* Rule 1079.

Continued

The text of the amended Exchange rule is set forth immediately below.

Additions are *italicized* and deletions are [bracketed].

Rules of the Exchange

Options Rules

* * * * *

Rule 1079. FLEX Index, Equity and Currency Options

A Requesting Member shall obtain quotes and execute trades in certain non-listed FLEX options at the specialist post of the non-FLEX option on the Exchange. The term ''FLEX option'' means a FLEX option contract that is traded subject to this Rule. Although FLEX options are generally subject to the rules in this section, to the extent that the provisions of this Rule are inconsistent with other applicable Exchange rules, this Rule takes precedence with respect to FLEX options.

(a)–(f) No Change.

• • • *Commentary:* ————

.01 Notwithstanding subparagraphs (a)(8)(A)(i) and (a)(8)(A)(ii) above, for a pilot period ending *the earlier of* [March]*October* [28]*31,* 2014, *or the date on which the pilot is approved on a permanent basis,* there shall be no minimum value size requirements for FLEX options.

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Phlx Rule 1079 (FLEX Index, Equity and Currency Options) to extend a pilot program that eliminates minimum value sizes for FLEX Options (the ''Pilot Program'' or ''Pilot'').

Rule 1079 deals with the process of listing and trading FLEX equity, index, and currency options on the Exchange. Rule 1079(a)(8)(A) currently sets the minimum opening transaction value size in the case of a FLEX Option in a newly established (opening) series if there is no open interest in the particular series when a Request-for-Quote (''RFQ'') is submitted (except as provided in Commentary .01 to Rule 1079): (i) $10 million underlying equivalent value, respecting FLEX market index options, and $5 million underlying equivalent value respecting FLEX industry index options;[4] (ii) the lesser of 250 contracts or the number of contracts overlying $1 million in the underlying securities, with respect to FLEX equity options (together the ''minimum value size'').[5]

Presently, Commentary .01 to Rule 1079 states that by virtue of the Pilot Program ending March 28, 2014, there shall be no minimum value size requirements for FLEX Options as noted in subsections (a)(8)(A)(i) and (a)(8)(A)(ii) above.[6]

The Exchange now proposes to extend the Pilot Program for a pilot period ending the earlier of October 31, 2014, or the date on which the Pilot is approved on a permanent basis.[7]

The Exchange believes that there is sufficient investor interest and demand in the Pilot Program to warrant an extension. The Exchange believes that the Pilot Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. Extension of the Pilot Program would continue to provide greater opportunities for traders and investors to manage risk through the use of FLEX Options, including investors that may otherwise trade in the unregulated over the counter (''OTC'') market where similar size restrictions do not apply.[8]

In support of the proposed extension of the Pilot Program, the Exchange has under separate cover submitted to the Commission a Pilot Program Report (''Report'') that provides an analysis of the Pilot Program covering the period during which the Pilot has been in effect. This Report includes: (i) Data and analysis on the open interest and trading volume in (a) FLEX equity options that have an opening transaction with a minimum size of 0 to 249 contracts and less than $1 million in underlying value; (b) FLEX index options that have an opening transaction with a minimum opening size of less than $10 million in underlying equivalent value; and (ii) analysis of the types of investors that initiated opening FLEX Options transactions (*i.e.,* institutional, high net worth, or retail). The Report has been submitted to the Commission and the Exchange has requested confidential treatment under the Freedom of Information Act.[9]

2. Statutory Basis

The Exchange's proposal is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(5) of the Act[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the

FLEX currency options traded on the Exchange are also known as FLEX World Currency Options (''WCO'') or Foreign Currency Options (''FCO''). The pilot program discussed herein does not encompass FLEX currency options.

[4] Market index options and industry index options are broad-based index options and narrow-based index options, respectively. *See* Rule 1000A(b)(11) and (12).

[5] Subsection (a)(8)(A) also provides a third alternative: (iii) 50 contracts in the case of FLEX currency options. However, this alternative is not part of the Pilot Program.

[6] *See* Securities Exchange Act Release No. 67094 (June 1, 2012), 77 FR 33796 (June 7, 2012)(SR–Phlx–2012–76)(notice of filing and immediate effectiveness of proposal to extend Pilot Program). The Pilot Program was instituted in 2010. *See* Securities Exchange Act Release No. 62900 (September 13, 2010), 75 FR 57098 (September 17, 2010)(SR–Phlx–2010–123)(notice of filing and immediate effectiveness of proposal to institute Pilot Program).

[7] The Exchange notes that any positions established under this Pilot would not be impacted by the expiration of the Pilot. For example, a 10-contract FLEX equity option opening position that overlies less than $1 million in the underlying security and expires in January 2015 could be established during the Pilot. If the Pilot Program were not extended, the position would continue to exist and any further trading in the series would be subject to the minimum value size requirements for continued trading in that series.

[8] The Exchange has not experienced any adverse market effects with respect to the Pilot Program.

[9] 5 U.S.C., section 552. The Exchange notes that it expects to file a proposal for permanent approval of the Pilot Program. With this proposal, the Exchange will submit a Report that is publicly available. In the event the Pilot Program is not permanently approved by October 31, 2014, the Exchange will submit an additional Report covering the extended Pilot period.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

mechanisms of a free and open market and a national market system. Specifically, the Exchange believes that the proposed extension of the Pilot Program, which eliminates the minimum value size applicable to opening transactions in new series of FLEX Options, would provide greater opportunities for investors to manage risk through the use of FLEX Options. The Exchange notes that it has not experienced any adverse market effects with respect to the Pilot Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal would give traders and investors the opportunity to more effectively tailor their trading, investing and hedging through FLEX options traded on the Exchange. Prior to the Pilot, options that represented opening transactions in new series that could not meet a minimum value size could not trade via FLEX on the Exchange, but rather had to trade OTC. Extension of the Pilot enables such options to continue to trade on the Exchange.

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 proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may seamlessly continue its Pilot Program. The Commission notes that waiving the 30-day operative delay would allow the Pilot Program to continue without interruption, and believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[16] Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.

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–2014–19 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–Phlx–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 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–2014–19 and should be submitted on or before April 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07354 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 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, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71820; File No. SR–NYSEMKT–2014–28]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending a Pilot Program Related to Rule 128—Equities, Entitled ''Clearly Erroneous Executions For Equities''

March 27, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 26, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend a pilot program related to Rule 128—Equities, entitled ''Clearly Erroneous Executions For Equities.'' The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions. Portions of Rule 128—Equities, explained in further detail below, are currently operating as a pilot program set to expire on April 8, 2014.[4] The Exchange proposes to extend the pilot program to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan''), including any extensions to the pilot period for the Plan.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to Rule 128—Equities to provide for uniform treatment: (1) Of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (2) in the event transactions occur that result in the issuance of an individual stock trading pause by the primary listing market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[6] The Exchange also adopted additional changes to Rule 128—Equities that reduced the ability of the Exchange to deviate from the objective standards set forth in Rule 128—Equities,[7] and in 2013, adopted a provision designed to address the operation of the Plan.[8]

The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan. The Exchange believes that continuing the pilot will protect against any unanticipated consequences. Thus, the Exchange believes that the protections of the Clearly Erroneous Rule should continue while the industry gains further experience operating the Plan.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[9] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[10] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system. Although the Limit Up-Limit Down Plan is operational, the Exchange believes that maintaining the pilot will help to protect against unanticipated consequences. Thus, the Exchange believes that the protections of the Clearly Erroneous Rule should continue while the industry gains further experience operating the Plan. The Exchange also believes that the pilot program promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. Thus, the Exchange believes that the extension of the pilot would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change implicates any competitive issues. To the contrary, as noted above, the Exchange believes FINRA and other national securities exchanges are also filing similar proposals, and thus, that the proposal will help to ensure consistency across market centers.

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6)(iii) thereunder.[12]

[4] *See* Securities Exchange Act Release No. 70517 (September 26, 2013), 78 FR 60943 (October 2, 2013) (SR–NYSEMKT–2013–78).

[5] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[6] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–NYSEAmex–2010–60).

[7] *Id.*

[8] *See* Securities Exchange Act Release No. 68801 (Feb. 1, 2013), 78 FR 8630 (Feb. 6, 2013) (SR–NYSEMKT–2013–11); Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release''); *see also* Exchange Rule 128—Equities (i).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the clearly erroneous pilot program to continue uninterrupted while the industry gains further experience operating under the Limit Up-Limit Down Plan, and avoid any investor confusion that could result from a temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2014–28 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–2014–28. 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–NYSEMKT–2014–28 and should be submitted on or before April 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07285 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71826; File No. SR–NASDAQ–2014–030]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Period for the Retail Price Improvement Program, Which Currently Is Set To Expire on March 28, 2014, for an Additional Six Months

March 28, 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 26, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot period for the Exchange's Retail Price Improvement (''RPI'') Program, which is set to expire on March 28, 2014, for six months, to expire on September 30, 2014.

The text of the proposed rule change is available at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the pilot period of the RPI Program,[3] currently scheduled to expire on March 28, 2014, for an additional six months, until September 30, 2014.

Background

In February 2013, the Commission approved the RPI Program on a pilot basis.[4] The Program is designed to attract retail order flow to the Exchange, and allow such order flow to receive potential price improvement. The Program is currently limited to trades occurring at prices equal to or greater than $1.00 per share. Under the Program, a new class of market participant called a Retail Member Organization (''RMO'') is eligible to submit certain retail order flow (''Retail Orders'')[5] to the Exchange. NASDAQ

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 68937 (February 15, 2013), 78 FR 12397 (February 22, 2013) (''RPI Approval Order'') (SR–NASDAQ–2012–129).

[4] *See id.*

[5] A ''Retail Order'' is defined in NASDAQ Rule 4780(a)(2), in part, as ''an agency or riskless

Continued

members (''Members'') are permitted to provide potential price improvement for Retail Orders in the form of non-displayed interest that is priced more aggressively than the Protected National Best Bid or Offer (''Protected NBBO'').[6]

The Program was approved by the Commission on a pilot basis running one-year from the date of implementation.[7] The Commission approved the Program on February 15, 2013.[8] The Exchange implemented the Program on March 28, 2013.[9] Thus, the pilot period for the Program is scheduled to end on March 28, 2014.

Proposal To Extend the Operation of the Program

The Exchange established the RPI Program in an attempt to attract retail order flow to the Exchange by potentially providing price improvement to such order flow. The Exchange believes that the Program promotes competition for retail order flow by allowing Exchange members to submit Retail Price Improvement Orders (''RPI Orders'') [10] to interact with Retail Orders. Such competition has the ability to promote efficiency by facilitating the price discovery process and generating additional investor interest in trading securities, thereby promoting capital formation. The Exchange believes that extending the pilot is appropriate because it will allow the Exchange and the Commission additional time to analyze data regarding the Program that the Exchange has committed to provide.[11] As such, the Exchange believes that it is appropriate to extend the current operation of the Program.[12] Through this filing, the Exchange seeks to extend the current pilot period of the Program until September 30, 2014.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, 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 extending the pilot period for the RPI Program is consistent with these principles because the Program is reasonably designed to attract retail order flow to the exchange environment, while helping to ensure that retail investors benefit from the better price that liquidity providers are willing to give their orders. Additionally, as previously stated, the competition promoted by the Program may facilitate the price discovery process and potentially generate additional investor interest in trading securities. The extension of the pilot period will allow the Commission and the Exchange to continue to monitor the Program for its potential effects on public price discovery, and on the broader market structure.

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. The proposed rule change extends an established pilot program for six months, thus allowing the RPI Program to enhance competition for retail order flow and contribute to the public price discovery process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver would allow the pilot program to continue uninterrupted. Accordingly, the Commission hereby grants the Exchange's request and designates the proposal operative upon filing.[19]

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.

principal order that originates from a natural person and is submitted to Nasdaq by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price (except in the case that a market order is changed to a marketable limit order) or side of market and the order does not originate from a trading algorithm or any other computerized methodology.''

[6] The term Protected Quotation is defined in Chapter XII, Sec. 1(19) and has the same meaning as is set forth in Regulation NMS Rule 600(b)(58). The Protected NBBO is the best-priced protected bid and offer. Generally, the Protected NBBO and the national best bid and offer (''NBBO'') will be the same. However, a market center is not required to route to the NBBO if that market center is subject to an exception under Regulation NMS Rule 611(b)(1) or if such NBBO is otherwise not available for an automatic execution. In such case, the Protected NBBO would be the best-priced protected bid or offer to which a market center must route interest pursuant to Regulation NMS Rule 611.

[7] *See* RPI Approval Order, *supra* note 3 at 12397.

[8] *Id.*

[9] Securities Exchange Act Release No. 69308 (April 4, 2013), 78 FR 21663 (April 11, 2013) (SR–NASDAQ–2013–057).

[10] A Retail Price Improvement Order is defined in NASDAQ Rule 4780(a)(3), in part, as consisting of ''non-displayed liquidity on NASDAQ that is priced better than the Protected NBBO by at least $0.001 and that is identified as such.''

[11] *See* RPI Approval Order, *supra* note 3 at 12401.

[12] Concurrently with this filing, the Exchange has submitted a request for an extension of the exemption under Regulation NMS Rule 612 previously granted by the Commission that permits it to accept and rank the RPI orders in sub-penny increments. *See* Letter from John Yetter, Deputy General Counsel, The NASDAQ Stock Market LLC to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission dated March 24, 2014.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived this requirement in this case.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–030 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–NASDAQ–2014–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NASDAQ–2014–030 and should be submitted on or before April 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07357 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71818; File No. SR–NYSEARCA–2014–27]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 6.62 To Specifically Address the Number and Size of Contra-Parties To a Qualified Contingent Cross Order

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 19, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.62 (Certain Types of Orders Defined) to specifically address the number and size of contra-parties to a Qualified Contingent Cross Order (''QCC Order''). The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule filing is to amend Rule 6.62 to specifically address the number and size of contra-parties to a QCC Order. The proposed rule change, which mirrors a recently adopted rule by the International Securities Exchange (''ISE''),[4] is intended to accommodate multiple contra-parties, so long as each contra-side order meets the minimum size requirements as discussed below.

The Exchange adopted the QCC Order type on March 17, 2011.[5] Under current Rule 6.62(bb), a QCC Order must be comprised of an order to buy or sell at least 1,000 contracts[6] that is identified as being part of a qualified contingent trade,[7] coupled with a contra-side order to buy or sell an equal number of contracts. As Qualified Contingent Crosses, QCC Orders are automatically executed upon entry provided that the execution (i) is not at the same price as a Customer Order in the Consolidated Book and (ii) is at or between the NBBO.[8] In addition, QCC Orders that cannot be executed when entered will automatically cancel.[9] Finally, QCC

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[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 71182 (December, 24, 2013), 78 FR 79721 (December 31, 2013) (SR–ISE–2013–71).

[5] *See* Securities Exchange Act Release No. 64086 (March 17, 2011), 76 FR 16021 (March 22, 2011) (SR–NYSEArca–2011–09).

[6] In the case of mini options, the minimum size is 10,000 contracts.

[7] A ''qualified contingent trade'' must meet the following conditions: (i) At least one component must be an NMS Stock; (ii) all the components must be effected with a product price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (iii) the execution of one component must be contingent upon the execution of all other components at or near the same time; (iv) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) must be determined by the time the contingent order is placed; (v) the component orders must bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (vi) the transaction must be fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. In addition, ATP Holders must demonstrate that the transaction is fully hedged using reasonable risk-valuation methodologies. *See supra* n.5 (*citing* Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008)).

[8] *See* Rule 6.90 (Qualified Contingent Crosses).

[9] *Id.*

Orders may only be entered in the regular trading increments applicable to the options class under Rule 6.72 (Trading Differentials).

As discussed above, to remain competitive with other options exchanges,[10] the Exchange proposes to amend its rules to provide that a QCC Order must involve a single order for at least 1,000 contracts on the originating side, but that the contra-side order may be comprised of multiple orders, which in the aggregate equal the size of the originating order, so long as each of the contra-side orders is for at least 1,000 contracts.[11]

For instance, as proposed, a 5,000 contract originating QCC Order to buy could be coupled with a contra-side order comprised of two different sell orders of 2,500 contracts each. Similarly, as proposed, a 5,000 contract originating QCC Order to buy could be coupled with a contra-side order comprised of two different sell orders, one for 4,000 contracts and one for 1,000 contracts. In the above examples, each sell (contra-side) order needs to be for a minimum of 1,000 contracts, provided that the total of all sell (contra-side) orders equals the size of the originating order and that originating order is at least 1,000 contracts.

Accordingly, the Exchange is proposing to amend the definition of QCC Order, as contained in current Rule 6.62(bb), to provide that an originating order to buy or sell at least 1,000 contracts coupled with a contra-side order or orders totaling an equal number of contracts is permitted, so long as each contra-side order is for at least 1,000 contracts.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. Specifically, because the proposal provides that a QCC Order permits multiple contra-parties, it should afford members and participants more certainty and, therefore, provide more opportunity to participate in QCC trades, consistent with the key principles behind the QCC Order.

The Exchange believes the proposed rule change is consistent with Section 6(b)(8) of the Act, as it will enable the Exchange to compete with other options exchanges, including the ISE,[12] for QCC Orders involving multiple parties, including where there are multiple contra-parties. The Exchange believes that this would be beneficial to participants because allowing multiple contra-parties of at least 1,000 contracts should foster competition for filling one side of a QCC Order and thereby result in potentially better prices, as opposed to only allowing one contra-party and, thereby requiring that contra-party to do a larger size order which could result in a worse price for the trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the proposal is intended to relieve a burden on competition, which results from different exchanges interpreting their rules differently. Among the options exchanges, the Exchange believes that the proposal to allow multiple contra-parties of at least 1,000 contracts should foster competition for filling the contra-side of a QCC order and thereby result in potentially better prices for such orders. In addition, the proposal will enable the Exchange to more effectively compete with other option exchanges like the ISE that have already implement similar rule changes.[13]

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

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6)[15] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2014–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2014–27. 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] *See supra* n. 4.

[11] In the case of mini options, the minimum size is 10,000 contracts.

[12] *See supra* n.4.

[13] *Id.*

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 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.

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–NYSEARCA–2014–27 and should be submitted on or before April 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07353 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71827; File No. SR–NASDAQ–2012–129]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting an Extension to Limited Exemption From Rule 612(c) of Regulation NMS in Connection With the Exchange's Retail Price Improvement Program

March 28, 2014.

On February 15, 2013, the Commission issued an order pursuant to its authority under Rule 612(c) of Regulation NMS (''Sub-Penny Rule'')[1] that granted the NASDAQ Stock Market LLC (''NASDAQ'') a limited exemption from the Sub-Penny Rule in connection with the operation of the Exchange's Retail Price Improvement Program (''Program'').[2] The limited exemptions were granted concurrently with the Commission's approval of the Exchanges' proposals to adopt their respective Retail Liquidity Programs for one-year pilot terms.[3] The exemption was granted coterminous with the effectiveness of the pilot Program; both the pilot Program and exemption are scheduled to expire on March 28, 2014.

The Exchange now seeks to extend the exemption until September 30, 2014.[4] The Exchange's request was made in conjunction with an immediately effective filing that extends the operation of the Programs for six months, through September 30, 2014.[5] In its request to extend the exemption, the Exchange notes that the Program was subject to gradual implementation. Accordingly, the Exchange has asked for additional time to allow it and the Commission to analyze more robust data concerning the Program, which the Exchange committed to provide to the Commission.[6] For this reason and the reasons stated in the Order originally granting the limited exemption, the Commission finds that extending the exemption, pursuant to its authority under Rule 612(c) of Regulation NMS, is appropriate in the public interest and consistent with the protection of investors.

Therefore, it is hereby ordered that, pursuant to Rule 612(c) of Regulation NMS, the Exchange is granted a six-month extension of the limited exemption from Rule 612 of Regulation NMS that allows it to accept and rank orders priced equal to or greater than $1.00 per share in increments of $0.001, in connection with the operation of its Retail Price Improvement Program.

The limited and temporary exemption extended by this Order is subject to modification or revocation if at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act. Responsibility for compliance with any applicable provisions of the federal securities laws must rest with the persons relying on the exemption that are the subject of this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07358 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 17 CFR 242.612(c).

[2] *See* Securities Exchange Act Release No. 68937 (February 15, 2013), 78 FR 12397 (February 22, 2013) (SR–NASDAQ–2012–129) (''RPI Approval Order'').

[3] *See id.*

[4] *See* Letter from John Yetter, Deputy General Counsel, The NASDAQ Stock Market LLC to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission dated March 24, 2014.

[5] *See* SR–NASDAQ–2014–030.

[6] *See* RPI Approval Order, *supra* note 2, 78 FR at 12399.

[7] 17 CFR 200.30–3(a)(83).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71817; File No. SR–NYSEMKT–2014–23]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 900.3NY To Specifically Address the Number and Size of Contra-Parties to a Qualified Contingent Cross Order

March 27, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 19, 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 and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 900.3NY (Orders Defined) to specifically address the number and size of contra-parties to a Qualified Contingent Cross Order (''QCC Order''). 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 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 purpose of this rule filing is to amend Rule 900.3NY to specifically address the number and size of contra-parties to a QCC Order. The proposed rule change, which mirrors a recently adopted rule by the International Securities Exchange (''ISE'')[4], is intended to accommodate multiple contra-parties, so long as each contra-side order meets the minimum size requirements as discussed below.

The Exchange adopted the QCC Order type on March 17, 2011.[5] Under current Rule 900.3NY(y), a QCC Order must be comprised of an order to buy or sell at least 1,000 contracts[6] that is identified as being part of a qualified contingent trade,[7] coupled with a contra-side order to buy or sell an equal number of contracts. As Qualified Contingent Cross Trades, QCC Orders are automatically executed upon entry provided that the execution (i) is not at the same price as a Customer Order in the Consolidated Book and (ii) is at or between the NBBO.[8] In addition, QCC Orders that cannot be executed when entered will automatically cancel.[9] Finally, QCC Orders may only be entered in the regular trading increments applicable to the options class under Rule 960NY (Trading Differentials).

As discussed above, to remain competitive with other options exchanges,[10] the Exchange proposes to amend its rules to provide that a QCC Order must involve a single order for at least 1,000 contracts on the originating side, but that the contra-side order may be comprised of multiple orders, which in the aggregate equal the size of the originating order, so long as each of the contra-side orders is for at least 1,000 contracts.[11]

For instance, as proposed, a 5,000 contract originating QCC Order to buy could, be coupled with a contra-side order comprised of two different sell orders of 2,500 contracts each. Similarly, as proposed, a 5,000 contract originating QCC Order to buy could be coupled with a contra-side order comprised of two different sell orders, one for 4,000 contracts and one for 1,000 contracts. In the above examples, each sell (contra-side) order needs to be for a minimum of 1,000 contracts, provided that the total of all sell (contra-side) orders equals the size of the originating order and that originating order is at least 1,000 contracts.

Accordingly, the Exchange is proposing to amend the definition of QCC Order, as contained in current Rule 900.3NY(y), to provide that an originating order to buy or sell at least 1,000 contracts coupled with a contra-side order or orders totaling an equal number of contracts is permitted, so long as each contra-side order is for at least 1,000 contracts.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. Specifically, because the proposal provides that a QCC Order permits multiple contra-parties, it should afford members and participants more certainty and, therefore, provide more opportunity to participate in QCC trades, consistent with the key principles behind the QCC Order.

The Exchange believes the proposed rule change is consistent with Section 6(b)(8) of the Act, as it will enable the Exchange to compete with other options exchanges, including the ISE,[12] for QCC Orders involving multiple parties, including where there are multiple contra-parties. The Exchange believes that this would be beneficial to participants because allowing multiple contra-parties of at least 1,000 contracts should foster competition for filling one side of a QCC Order and thereby result in potentially better prices, as opposed to only allowing one contra-party and, thereby requiring that contra-party to do a larger size order which could result in a worse price for the trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the proposal is intended to relieve a burden on competition, which results from different exchanges interpreting their rules differently. Among the options exchanges, the Exchange believes that the proposal to allow multiple contra-parties of at least 1,000 contracts should foster competition for filling the contra-side of a QCC order and thereby result in potentially better prices for such orders. In addition, the proposal will enable the Exchange to more effectively compete with other option exchanges like the ISE that have already implement similar rule changes.[13]

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

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[14] and Rule 19b-4(f)(6)[15] thereunder.

[4] *See* Securities Exchange Act Release No. 71182 (December, 24, 2013), 78 FR 79721 (December 31, 2013) (SR–ISE–2013–71).

[5] *See* Securities Exchange Act Release No. 64085 (March 17, 2011), 76 FR 16024 (March 22, 2011) (SR–NYSEAmex–2011–14).

[6] In the case of mini options, the minimum size is 10,000 contracts.

[7] A ''qualified contingent trade'' must meet the following conditions: (i) At least one component must be an NMS Stock; (ii) all the components must be effected with a product price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (iii) the execution of one component must be contingent upon the execution of all other components at or near the same time; (iv) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) must be determined by the time the contingent order is placed; (v) the component orders must bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (vi) the transaction must be fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. In addition, ATP Holders must demonstrate that the transaction is fully hedged using reasonable risk-valuation methodologies. *See supra* n.5 (*citing* Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008)).

[8] *See* Rule 985NY (Qualified Contingent Cross Trade).

[9] *Id.*

[10] *See supra* n. 4.

[11] In the case of mini options, the minimum size is 10,000 contracts.

[12] *See supra* n.4.

[13] *Id.*

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 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

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2014–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–23. 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–NYSEMKT–2014–23 and should be submitted on or before April 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07352 Filed 4–1–14; 8:45 am]

BILLING CODE 8011–01–P

Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8680]

Culturally Significant Objects Imported for Exhibition Determinations: ''Four Suits of Armor: 100th Anniversary in 2016'' 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 ''Four Suits of Armor: 100th Anniversary in 2016,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Cleveland Museum of Art, Cleveland, OH, from on or about May 1, 2014, until on or about April 30, 2017, 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 26, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–07382 Filed 4–1–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8681]

In the Matter of the Designation of Wali Ur Rehman as a Specially Designated Global Terrorist pursuant to Section 1(b) of Executive Order 13224, as Amended

In accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended (''the Order''), I hereby determine that the individual known as Wali Ur Rehman, also known as other aliases and transliterations, no longer meets the criteria for designation under the Order, and therefore I hereby revoke the designation of the aforementioned individual as a Specially Designated Global Terrorist pursuant to section 1(b) of the Order.

This notice shall be published in the **Federal Register**.

Dated: March 19, 2014.

John F. Kerry,

Secretary of State, Department of State.

[FR Doc. 2014–07381 Filed 4–1–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 8679]

Overseas Schools Advisory Council Notice of Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Annual Committee Meeting on Thursday, June 12, 2014, at 9:30 a.m. in Conference Room 1107, Department of State Building, 2201 C Street NW., Washington, DC. The meeting is open to the public and will last until approximately 12:00 p.m.

The Overseas Schools Advisory Council works closely with the U.S. business community in improving those American-sponsored schools overseas that are assisted by the Department of State and attended by dependents of U.S. Government employees, and the children of employees of U.S. corporations and foundations abroad.

This meeting will deal with issues related to the work and the support provided by the Overseas Schools

Advisory Council to the American-sponsored overseas schools. There will be a report and discussion about the status of the Council-sponsored project to expand the World Virtual School. The Regional Education Officers in the Office of Overseas Schools will make a presentations on the activities and initiatives in the American-sponsored overseas schools

Members of the public may attend the meeting and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. Access to the State Department is controlled, and individual building passes are required for all attendees. Persons who plan to attend should advise the office of Dr. Keith D. Miller, Department of State, Office of Overseas Schools, telephone 202–261–8200, prior to June 5, 2014. Each visitor will be asked to provide his/her date of birth and either driver's license or passport number at the time of registration and attendance, and must carry a valid photo ID to the meeting.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Any requests for reasonable accommodation should be made at the time of registration. All such requests will be considered, however, requests made after June 5th might not be possible to fill. All attendees must use the C Street entrance to the building.

Dated: March 24, 2014.

Keith D. Miller,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 2014–07383 Filed 4–1–14; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending March 22, 2014

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2014–0035.

Date Filed: March 18, 2014.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 8, 2014.

Description: Application of SkyGreece Airlines S.A. requesting exemption authority and a foreign air carrier permit to conduct: (a) foreign scheduled and charter air transportation of persons, property, and mail from any point or points behind any Member State of the European Union via any point or points in any Member State and via intermediate points to any point or points in the United States and beyond; (b) foreign scheduled and charter air transportation of persons, property, and mail between any point or points in the United States and any point or points in any Member of the European Common Aviation Area; (c) foreign scheduled and charter cargo air transportation between any point or points in the United States and any other point or points; (d) other charters pursuant to the prior approval requirements; and (e) scheduled and charter transportation consistent with any future, additional rights that may be granted to foreign air carriers of the Member States of the European Union.

Barbara J. Hairston,

Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.

[FR Doc. 2014–07343 Filed 4–1–14; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge at Orlando International Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge (PFC) at Orlando International Airport, Orlando, Florida.

DATES: Comments must be received on or before May 2, 2014.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822–5024.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Phillip N. Brown, Executive Director of the Greater Orlando Aviation Authority at the following address: Orlando International Airport, One Jeff Fuqua Boulevard, Orlando, Florida 32827–4399. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Greater Orlando Aviation Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Marisol Elliott, Program Manager, FAA Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822–5024, (407) 812–6331, ext. 117. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Orlando International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On November 22, 2013, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Greater Orlando Aviation Authority was not substantially complete within the requirements of section 158.25 of Part 158. The environmental review required by the National Environmental Policy Act (NEPA) of 1969 had not been completed for the projects contained in

the application. Section 158.25(c)(1)(ii)(B) requires that this environmental review be complete for an application submitted for authority to use PFC revenue. In addition, the FAA requested that the Greater Orlando Aviation Authority provide additional information on the projects contained in the application.

The environmental review of the projects in the application is now complete and the Greater Orlando Aviation Authority has submitted the supplemental information to complete this application. The FAA will approve or disapprove the application, in whole or in part, not later than July 11, 2014.

The following is a brief overview of the application:

Application Number: 14–17–C–00–MCO.

Proposed charge effective date: July 1, 2034.

Proposed charge expiration date: August 1, 2038.

Level of the proposed PFC: $4.50.

Total estimated PFC revenue: $460,000,000.

Brief description of proposed project(s): South Airport Automated People Mover (APM) System, Stations, and Associated Facilities—Design and Construction; South Airport Automated People Mover (APM) System—Roadways, Curbs, and Infrastructure—Design and Construction; South Airport APM Ticketing and Baggage Check-In Facility—Design and Construction.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports office located at: FAA Southern Region Headquarters, 1701 Columbia Avenue, College Park, Georgia 30337.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the offices of the Greater Orlando Aviation Authority.

Issued in Orlando, Florida on March 20, 2014.

Bart Vernace,

Manager, Orlando Airports District Office, Southern Region, Federal Aviation Administration.

[FR Doc. 2014–07290 Filed 4–1–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee Open Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Commercial Space Transportation Advisory Committee open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC).

DATES: The meeting will take place on Wednesday, May 7, 2014, from 8 a.m. to 5 p.m., and Thursday, May 8, 2014, from 8:30 a.m. to 2 p.m.

ADDRESSES: The meeting will take place at the National Transportation Safety Board Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

FOR FURTHER INFORMATION CONTACT: Larry Scott, telephone (202) 267–7982; email *larry.scott@faa.gov,* FAA Office of Commercial Space Transportation (AST–3), 800 Independence Avenue SW., Room 331, Washington, DC 20591.

SUPPLEMENTARY INFORMATION: This will be the 59th meeting of the COMSTAC.

The proposed schedule for the COMSTAC working group meetings on May 7 is below:

—Operations (8 a.m.–10 a.m.)
—Business/Legal (10 a.m.–12 a.m.)
—Systems (1 p.m.–3 p.m.)
—International Space Policy (3 p.m.–5 p.m.)

The full Committee will meet on May 8. The proposed agenda for that meeting features speakers relevant to the commercial space transportation industry; and reports and recommendations from the working groups.

Interested members of the public may submit relevant written statements for the COMSTAC members to consider under the advisory process. Statements may concern the issues and agenda items mentioned above and/or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to submit written statements should contact Larry Scott, COMSTAC Designated Federal Officer, (the Contact Person listed in **FOR FURTHER INFORMATION CONTACT**) in writing (mail or email) by April 30, 2014, so that the information can be made available to COMSTAC members for their review and consideration before the May 7 and 8 meetings. Written statements should be supplied in the following formats: One hard copy with original signature and/or one electronic copy via email.

A portion of the May 8 meeting will be unavailable to the public (starting at approximately 2 p.m.).

An agenda will be posted on the FAA Web site at *www.faa.gov/go/ast.* For specific information concerning the times and locations of the COMSTAC working group meetings, contact the Contact Person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Persons listed below in advance of the meeting.

Complete information regarding COMSTAC is available on the FAA Web site at: *http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/.*

This notice is given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2).

Issued in Washington, DC, March 25, 2014.

George C. Nield,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 2014–07288 Filed 4–1–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0126]

Qualification of Drivers; Application for Exemptions; Hearing

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

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces that 4 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). In accordance with the statutory requirements concerning applications for exemptions, FMCSA requests public comments on these requests. The statute and implementing regulations concerning exemptions require that exemptions must provide an equivalent or greater level of safety than if they were not granted. If the Agency determines the exemptions would satisfy the statutory requirements and decides to grant theses requests after reviewing the public comments submitted in response to this notice, the exemptions would

enable 4 individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 2, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0126 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the on-line 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: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. 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 for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105–178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).[1] Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed.

The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA also issues instructions for completing the medical examination report and includes advisory criteria on the report itself to provide guidance for medical examiners in applying the hearing standard. See 49 CFR 391.43(f). The current advisory criteria for the hearing standard include a reference to a report entitled ''Hearing Disorders and Commercial Motor Vehicle Drivers'' prepared for the Federal Highway Administration, FMCSA's predecessor, in 1993.[2]

FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption before granting any such requests. 49 U.S.C. *31136 and 31315*.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number

[1] This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 [66 FR 49867 (Oct. 1, 2001)].

[2] This report is available on the FMCSA Web site at *http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm.*

''FMCSA–2013–0126'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, and to submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2013–0126'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Information on Individual Applicants

Rodney Braden

Mr. Braden, 47, holds an operator's license in Kentucky.

Arthur Brown

Mr. Brown, 46, holds an operator's license in Kentucky.

Anthony Castile, III

Mr. Castile, 44, holds an operator's license in Pennsylvania.

Michael Steggs

Mr. Steggs, 53, holds a Class A commercial driver's license (CDL) in Texas.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business May 2, 2014. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: March 18, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–07205 Filed 4–1–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35752]

Grafton & Upton Railroad Company—Petition for Declaratory Order; Corrected Decision [1]

Grafton & Upton Railroad Company (G&U) filed a petition for a declaratory order on July 24, 2013, requesting a finding that 49 U.S.C. 10501(b) preempts certain state and local permitting and preclearance statutes and regulations that the Town of Grafton, Mass. (Grafton or the Town) seeks to enforce in connection with G&U's construction and operation of a liquefied petroleum gas (propane) transload facility on a five-acre parcel (the Parcel) that G&U owns in North Grafton. G&U states that it intends to use the facility to transfer propane received by tank car in North Grafton to storage tanks and then to trucks for delivery to propane dealers in New England. Pending the completion of the construction, G&U intends to use portable equipment to transload the propane. For the reasons discussed below, a declaratory order proceeding will be instituted and a procedural schedule will be adopted.

The Parcel is located immediately adjacent to G&U's line and existing rail yard.[2] In December 2012, G&U notified the Town that four propane storage tanks were about to be delivered to its rail yard. The Town responded by issuing a cease and desist order to halt construction and by filing a complaint in the Superior Court for Worcester County, Mass. (Court), arguing that construction of the transload facility would be illegal and would violate the Town's zoning bylaws. These actions ultimately resulted in the Court entering two orders on June 12, 2013, which: (1) enjoined the delivery of the storage tanks; (2) directed G&U to comply with the cease and desist order; (3) stayed the Court proceedings pending a determination by the Board concerning the applicability of § 10501(b); and (4) referred the preemption issue to the Board, directing G&U to file a petition for declaratory order.

In the petition, G&U requests that the Board find that Grafton is preempted from enforcing state and local permitting and preclearance statutes and regulations in connection with both the construction and operation of the transload facility and the interim use of portable transload equipment. Grafton, in a reply filed on August 19, 2013, agrees that the Board should institute a declaratory order proceeding here. It questions whether G&U can and will finance, complete, and operate the transload facility on its own in view of certain agreements G&U had previously entered into with a number of propane companies. The Town argues that a full investigation should be conducted to prevent what it characterizes as an abuse of the preemption doctrine.[3] On September 9, 2013, G&U filed a motion for leave to supplement its petition and a supplement containing copies of the various agreements documenting the termination of its arrangements with these propane companies. Grafton filed a reply in opposition on September 17, 2013.

The Board has discretionary authority under 5 U.S.C. 554(e) and 49 U.S.C. 721 to issue a declaratory order to eliminate a controversy or remove uncertainty. Here, a controversy exists as to whether G&U would be the financier, owner, and operator of the proposed transload facility and whether the Town's enforcement of state and local permitting and preclearance statutes and regulations in connection with the facility is preempted under § 10501(b). The Board will therefore institute a declaratory order proceeding and

[1] This decision clarifies the language in footnote 2 of the January 27, 2014 decision served in this proceeding. This action is being taken in response to a letter filed by the Massachusetts Department of Fire Services (DFS). Former footnote 2 (now footnote 3) now states that DFS supports the institution of a declaratory order proceeding.

[2] In a separate decision also served today, the Board issued a declaratory order holding that preclearance regulations and other requirements of the Town of Grafton, Mass., that would prohibit or unreasonably interfere with the construction and operation of an additional rail yard and storage tracks also on the Parcel are preempted by federal law. *See Grafton & Upton Railroad—Pet. for Declaratory Order,* FD 35779 (served Jan. 27, 2014).

[3] The American Short Line and Regional Railroad Association filed a letter in support of the petition on August 12, 2013. On August 23, 2013, DFS filed a reply in support of the Town's request that the Board institute a declaratory order proceeding, and the Massachusetts Department of Environmental Protection filed a reply in opposition to G&U's petition, contending that the petition is moot as a result of a settlement it negotiated with G&U.

consider the matter under the modified procedure rules at 49 CFR pt. 1112.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. A declaratory order proceeding is instituted.

2. G&U is directed to submit any additional information and argument by February 28, 2014. Grafton's reply and comments from other interested persons are due by March 20, 2014.

3. Notice of the Board's action will be published in the **Federal Register**.

4. This decision is effective on its service date.

Decided: January 24, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–07348 Filed 4–1–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2014–0011]

Mutual Savings Association Advisory Committee

AGENCY: Office of the Comptroller of the Currency, Department of the Treasury.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Office of the Comptroller of the Currency (OCC) announces a meeting of the Mutual Savings Association Advisory Committee (MSAAC).

DATES: A public meeting of the MSAAC will be held on Tuesday, April 29, 2014, beginning at 8:00 a.m. Eastern Daylight Time (EDT). Members of the public may submit written statements to the MSAAC. The OCC must receive written statements no later than Monday, April 21, 2014. Members of the public who plan to attend the meeting, and members of the public who require auxiliary aid, should contact the OCC by 5:00 p.m. EDT on Friday, April 25, 2014, to inform the OCC of their desire to attend the meeting and to provide the information that will be required to facilitate aid.

ADDRESSES: The April 29, 2014, meeting of the MSAAC will be held at the OCC's offices at 400 7th Street SW., Washington, DC 20219. Members of the public may submit written statements to *MSAAC@occ.treas.gov* or by mailing them to Donna Deale, Designated Federal Official, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219. Members of the public who plan to attend the meeting should contact the OCC at *MSAAC@occ.treas.gov* or at 202–649–5420 to inform the OCC of their desire to attend the meeting so that the OCC can make the necessary arrangements for seating. Attendees should provide their full name, email address, and organization.

FOR FURTHER INFORMATION CONTACT: Donna Deale, Deputy Comptroller for Thrift Supervision, (202) 649–5420, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the MSAAC will convene a meeting on Tuesday, April 29, 2014, at the OCC's offices at 400 7th Street SW., Washington, DC 20219. The meeting is open to the public and will begin at 8:00 a.m. EDT. The agenda includes a discussion of current topics of interest to the industry. The purpose of the meeting is for the MSAAC to advise the OCC on the regulatory changes or other steps the OCC may be able to take to ensure the continued health and viability of mutual savings associations and other issues of concern to the existing mutual savings associations.

Dated: March 27, 2014.

Thomas J. Curry,

Comptroller of the Currency.

[FR Doc. 2014–07422 Filed 4–1–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the name of one individual whose property and interests in property has been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the one individual identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on March 26, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On March 26, 2014, the Director of OFAC designated the following individual whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individual

1. ROZI, Pahlawan (a.k.a. ROEZI, Pahlawan; a.k.a. ROSI, Pahlawan; a.k.a. ROSY, Pahlawan; a.k.a. ROZI, Palawan; a.k.a. ROZIUDIN, Pahlawan; a.k.a. ROZY, Palawan; a.k.a. RUZI, Pahlawan), 42S VF 88722 63166, Kunduz City, Kunduz Province, Afghanistan; 42S VF 88651 63126, Kunduz City, Kunduz District, Afghanistan; 42S VF 88648 63088, Kunduz City, Kunduz District, Afghanistan; DOB 1965; POB Kunduz City, Kunduz District, Afghanistan; nationality Afghanistan (individual) [SDNTK].

Dated: March 26, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–07360 Filed 4–1–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Information Reporting Program Advisory Committee (IRPAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for Nominations.

SUMMARY: The Internal Revenue Service (IRS) requests nominations of individuals for selection to the Information Reporting Program Advisory Committee (IRPAC). Nominations should describe and document the proposed member's qualifications for IRPAC membership, including the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that he or she wishes to represent on the committee. In addition to individual nominations, the IRS is soliciting nominations from professional and public interest groups that wish to have representatives on the IRPAC. IRPAC will be comprised of 21 members. There are six positions open for calendar year 2015. It is important that IRPAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on the applicant's qualifications as well as the taxpayer or stakeholder base he/she represents.

The IRPAC advises the IRS on information reporting issues of mutual concern to the private sector and the federal government. The committee works with the Commissioner of Internal Revenue and other IRS leadership to provide recommendations on a wide range of information reporting administration issues. Membership is balanced to include representation from the tax professional community, small and large businesses, banks, colleges and universities, and industries such as securities, payroll, finance and software.

DATES: Written nominations must be received on or before May 30, 2014.

ADDRESSES: Nominations should be sent to: Ms. Caryl Grant, IRS National Public Liaison, CL:NPL:SRM, Room 7559, 1111 Constitution Avenue NW., Washington, DC 20224, Attn: IRPAC Nominations. Applications may also be submitted via fax to 202–317–6553 or via email at *PublicLiaison@irs.gov*. Application packages are available on the IRS Web site at *http://www.irs.gov/Tax-Professionals*. Application packages may also be requested by telephone from National Public Liaison, 202–317–6851 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Ms. Caryl Grant at 202–317–6851 (not a toll-free number) or *PublicLiaison@irs.gov*.

SUPPLEMENTARY INFORMATION: Established in 1991 in response to an administrative recommendation in the final Conference Report of the Omnibus Budget Reconciliation Act of 1989, the IRPAC works closely with the IRS to provide recommendations on a wide range of issues intended to improve the information reporting program and achieve fairness to taxpayers. Conveying the public's perception of IRS activities to the Commissioner, the IRPAC is comprised of individuals who bring substantial, disparate experience and diverse backgrounds to the Committee's activities.

Each IRPAC member is nominated by the Commissioner with the concurrence of the Secretary of Treasury to serve a three-year term. Working groups address policies and administration issues specific to information reporting. Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation are reimbursed within prescribed federal travel limitations.

Receipt of applications will be acknowledged, and all individuals will be notified when selections have been made. In accordance with Department of Treasury Directive 21–03, a clearance process including fingerprints, annual tax checks, a Federal Bureau of Investigation criminal check and a practitioner check with the Office of Professional Responsibility will be conducted. Federally registered lobbyists cannot be members of the IRPAC.

Equal opportunity practices will be followed for all appointments to the IRPAC in accordance with the Department of Treasury and IRS policies. The IRS has special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities are welcomed for service on advisory committees and, therefore, extends particular encouragement to nominations from such appropriately qualified candidates.

Dated: March 26, 2014.

John Lipold,

Designated Federal Official, National Public Liaison.

[FR Doc. 2014–07417 Filed 4–1–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the panels of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. on the dates indicated below:

Panel	Date(s)	Location
Infectious Diseases-B	May 21, 2014	American Association of Airport Executives.
Surgery	May 21, 2014	Hampton Inn.
Nephrology	May 22, 2014	American Association of Airport Executives.
Neurobiology-C	May 22, 2014	Hampton Inn.
Aging and Clinical Geriatrics	May 28, 2014	VA Central Office.*
Endocrinology-B	May 29, 2014	The Liaison Capitol Hill.
Infectious Diseases-A	May 29, 2014	Hampton Inn.
Neurobiology-D	May 30, 2014	US Access Board.

Panel	Date(s)	Location
Neurobiology-F	May 30, 2014	VA Central Office.*
Cellular and Molecular Medicine	June 2, 2014	VHA Conference Center.
Clinical Trials-A	June 2, 2014	Hamilton Crowne Plaza.
Endocrinology-A	June 2, 2014	US Access Board.
Neurobiology-B	June 3, 2014	US Access Board.
Mental Health and Behavioral Sciences-A	June 4, 2014	VHA Conference Center.
Epidemiology	June 5, 2014	VA Central Office.*
Gulf War Research	June 5, 2014	VA Central Office.*
Oncology-A	June 5–6, 2014	American Association of Airport Executives.
Clinical Trials-B	June 6, 2014	VA Central Office.*
Hematology	June 6, 2014	US Access Board.
Neurobiology-A	June 6, 2014	The Liaison Capitol Hill.
Pulmonary Medicine	June 6, 2014	The Liaison Capitol Hill.
Gastroenterology	June 10, 2014	Hampton Inn.
Special Panel for Genomics	June 10, 2014	VA Central Office.*
Immunology-A	June 11, 2014	Hampton Inn.
Cardiovascular Studies-A	June 12, 2014	Hampton Inn.
Cardiovascular Studies-B	June 13, 2014	Hampton Inn.
Neurobiology-E	June 13, 2014	US Access Board.
Eligibility	July 21, 2014	VHA Conference Center.

*Teleconference.

The addresses of the meeting sites are:

American Association of Airport Executives, 601 Madison Street, 3rd Floor, Alexandria, VA

Hamilton Crowne Plaza, 1001 14th Street NW., Washington, DC

Hampton Inn, 1729 H Street NW., Washington, DC

The Liaison Capitol Hill, 415 New Jersey Avenue NW., Washington, DC

US Access Board, 1331 F Street NW., 8th Floor, Washington, DC

VHA Conference Center, 2011 Crystal Drive, Arlington, VA

VA Central Office, 131 M Street NE., Washington, DC

The purpose of the Board is to provide advice on the scientific quality, budget, safety, and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration. Proposals submitted for review by the Board involve a wide range of medical specialties within the general areas of biomedical, behavioral, and clinical science research.

The panel meetings will be open to the public for approximately one-half hour at the start of each meeting to discuss the general status of the program. The remaining portion of each panel meeting will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals.

The closed portion of each meeting involves discussion, examination, reference to staff and consultant critiques of research proposals. During this portion of each meeting, discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research proposals. As provided by subsection 10(d) of Public Law 92–463, as amended, closing portions of these panel meetings is in accordance with title 5 U.S.C. 552b(c)(6) and (9)(B).

Those who plan to attend the general session or would like to obtain a copy of the minutes from the panel meetings and rosters of the members of the panels should contact Alex Chiu, Ph.D., Manager, Merit Review Program (10P9B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5672 or email at *alex.chiu@va.gov.*

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2014–07324 Filed 4–1–14; 8:45 am]

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Reader Aids

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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