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FEDERAL REGISTER

Vol. 79 Tuesday,
No. 67 April 8, 2014

Pages 19287–19460

OFFICE OF THE FEDERAL REGISTER

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0952; Airspace Docket No. 13–AGL–18]

RIN 2120–AA66

Modification of Area Navigation (RNAV) Route T–265, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies RNAV route T–265 in support of the O'Hare Modernization Project (OMP)/Chicago Airspace Project (CAP). This action re-aligns T–265 slightly to the west providing appropriate lateral spacing from a new Rockford Airport Traffic Control Tower (RFD) and Chicago Terminal Radar Approach Control (C90) airspace boundary and to maintain the efficiency and safety of aircraft transitioning around the Chicago Class B airspace area.

DATES: Effective date 0901 UTC, July 24, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

The FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend T–265 (78 FR 78303, December 26, 2013). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One comment was received. The Aircraft Owners and Pilots Association supported the modification, but encouraged the FAA to utilize stakeholders in developing a national air traffic service route modernization plan.

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to modify T–265 in support of the OMP/CAP. As part of the OMP/CAP, the RFD/C90 airspace boundary is being moved to the west. This action re-aligns T–265 slightly to the west by replacing the first two waypoints in the route with two airway intersection fixes, AHMED and START, respectively, and re-designating the BULLZ and VEENA waypoints as airway intersection fixes. The route modification ensures appropriate lateral spacing from the new RFD/C90 airspace boundary and eliminates the need for manual air traffic control coordination or aircraft to accomplish frequency changes between the two facilities. This modification also shortens T–265 by almost 2 nautical miles while providing the same level of convenience to the flying public with an easy way to file and fly around the Chicago Class B airspace area between Chicago/Rockford International Airport, IL, and Chicago O'Hare International Airport, IL.

Low altitude RNAV routes are published in paragraph 6011 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 RNAV route listed in this document will be subsequently published in the Order.

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. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as required to preserve the safe and efficient flow of air traffic within the National Airspace System.

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.

List 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 FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

Paragraph 6011 United States area navigation routes.

* * * * *

T–265 AHMED, IL to VEENA, WI [Amended]

AHMED, IL Fix
(Lat. 41°29′52″ N., long. 88°51′52″ W.)
START, IL Fix
(Lat. 41°45′25″ N., long. 89°00′22″ W.)
BULLZ, IL Fix
(Lat. 42°27′27″ N., long. 88°46′17″ W.)
VEENA, WI Fix
(Lat. 42°42′18″ N., long. 88°18′14″ W.)

* * * * *

Issued in Washington, DC, on April 1, 2014.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2014–07725 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2011–0246; Amendment No. 91–321A; SFAR No. 112]

RIN 2120–AK42

Prohibition Against Certain Flights Within the Tripoli Flight Information Region (FIR); Extension of Expiration Date; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; Extension of expiration date; Correction.

SUMMARY: The FAA is correcting a final rule published on March 21, 2014. In that final rule, the FAA amended its regulations to extend the prohibition against certain flights within the Tripoli Flight Information Region from March 21, 2014 to March 21, 2015. The FAA inadvertently cited an incorrect RIN number. This document corrects that error and also corrects an inadvertent amendment.

DATES: This correction is effective April 8, 2014.

FOR FURTHER INFORMATION CONTACT: Keira Jones, Office of Rulemaking, ARM–101, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Telephone: 202–267–4025.

SUPPLEMENTARY INFORMATION:

Background

On March 21, 2014 (79 FR 15679), the FAA issued ''Prohibition Against Certain Flights Within the Tripoli Flight Information Region (FIR); Extension of Expiration Date'' (79 FR 15679). In that final rule, which became effective March 21, 2014, the FAA extended the expiration date from March 21, 2014 to March 21, 2015.

The FAA inadvertently listed the incorrect RIN number (2120–AJ93). The correct RIN number is 2120–AK42. In addition, the Office of the Federal Register inadvertently amended § 91.1603 by removing paragraph (e) effective March 20, 2015. Unless the FAA takes further action, § 91.1603 will expire effective March 20, 2015.

Corrections

In the final rule, FR Doc. 2014–06199, published on March 21, 2014, at 79 FR 15679, make the following corrections:

1. On page 15679, in the first column heading, revise ''RIN 2120–AJ93'' to read ''RIN 2120–AK42''.

2. On page 15679, in the third column under the **DATES** heading, remove the sentence ''Amendment 3 to § 91.1603 is effective March 20, 2015.''

§ 91.1603 [Amended]

3. On page 15680, in the third column, beginning at line 19 from the bottom, remove Amendment 3.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2014–07509 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice: 8687]

RIN 1400–AD51

Visas: Waiver by Joint Action of Visa and Passport Requirements for Members of Armed Forces and Coast Guards of Foreign Countries

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending its regulations regarding the waiver by joint action of consular and immigration officers of visa and passport requirements for members of foreign armed forces and coast guards. Specifically, the regulation, as amended, removes the current list of countries whose armed forces members are ineligible for a such a waiver, and provides that, in every case, when entry of foreign armed forces and coast guard members is proposed under arrangements made with the appropriate military authorities of the United States and after coordination within the U.S. Government by those U.S. military authorities, the Department of Homeland Security and the Department of State will jointly decide whether to approve waiver of the visa and/or passport requirements.

DATES: *Effective Date:* This rule becomes effective April 8, 2014.

FOR FURTHER INFORMATION CONTACT: Jennifer Liu, Legislation and Regulations Division, Legal Affairs, Office of Visa Services, Bureau of Consular Affairs, Department of State, 600 19th Street NW., Washington, DC 20520–0106, (202) 485–7648, email (*LiuJN@state.gov*).

SUPPLEMENTARY INFORMATION:

Why is the Department promulgating this rule?

This final rule implements the joint determination of the Department of State and the Department of Homeland Security to remove the list of countries whose citizens or residents are currently ineligible for a waiver under 22 CFR 41.3(e), pursuant to authority under section 212(d)(4)(A) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(4)(A), as such a list is considered unnecessary and requires regular and resource-intensive review. The amended regulation clarifies that, in every case, when entry of members of foreign armed forces and coast guard into the United States is proposed under arrangements made with the appropriate military authorities of the United States and after coordination within the U.S. Government by those U.S. military authorities, the Department of Homeland Security and the Department of State will jointly decide, as a matter of discretion, whether to approve a waiver of the visa and/or passport requirements for the foreign armed forces and coast guard members. Finally, the amended rule extends authority to grant a waiver under 22 CFR 41.3 to the Deputy Assistant Secretary of State for Visa Services or his or her designee, in addition to the consular officer serving the port or place of embarkation, jointly with the appropriate immigration officer within DHS.

Regulatory Findings

A. Administrative Procedure Act

The Department of State is of the opinion that waiver of visa and passport requirements for foreign armed forces and coast guards is a foreign affairs function of the United States Government and that rules implementing this function are exempt from section 553 (Rulemaking) and section 554 (Adjudications) of the Administrative Procedure Act.

B. Regulatory Flexibility Act/Executive Order 13272: Small Business

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth at sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule regulates individual aliens applying for visas under INA section 101(A)(15) and does not affect any small entities, as defined in 5 U.S.C. 601(6).

C. The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. Law 104–4, 109 Stat. 48, codified at 2 U.S.C. 1532) generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

D. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121). This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

E. Executive Order 12866

The Department is of the opinion that waiver of visa and passport requirements for foreign armed forces and coast guards is a foreign affairs function of the United States Government and that rules governing the conduct of this function are exempt from the requirements of Executive Order 12866. However, the Department has reviewed the proposed rule to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Order.

F. Executive Order 13563: Improving Regulation and Regulatory Review

The Department has considered this rule in light of Executive Order 13563 and affirms that this regulation is consistent with the guidance therein.

G. Executive Orders 12372 and 13132: Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. The rule will not have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

H. Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulations in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

I. Executive Order 13175

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

J. Paperwork Reduction Act

This rule does not impose new information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 41

Aliens, Foreign officials, Passports and visas, Students.

For the above reasons, 22 CFR Part 41 is amended as follows:

PART 41—[AMENDED]

■ 1. The authority citation for Part 41 is revised to read as follows:

Authority: 8 U.S.C. 1104, 1182(d), 1185 note; 112 Stat. 2681–795.

■ 2. Section 41.3 is amended by revising the introductory text and paragraph (e), to read as follows:

§ 41.3 Waiver by joint action of consular and immigration officers of passport and/or visa requirements.

Under the authority of INA 212(d)(4), the documentary requirements of INA 212(a)(7)(B)(i)(I), (i)(II) may be waived for any alien in whose case the consular officer serving the port or place of embarkation, or the Deputy Assistant Secretary of State for Visa Services or his or her designee, is satisfied after consultation with, and concurrence by, the appropriate immigration officer, that the case falls within any of the following categories:

* * * * *

(e) *Members of armed forces and coast guards of foreign countries; visa and passport waiver.* An alien on active duty in the armed forces or coast guard of a foreign country and a member of a group of such armed forces or coast guard traveling to the United States, on behalf of the alien's government or the United Nations, under arrangements made with the appropriate military authorities of the United States, coordinated within the U.S. Government by those U.S. military authorities, and approved by the Department of State and the Department of Homeland Security for such visit.

* * * * *

Dated: March 28, 2014.

Janice L. Jacobs,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 2014–07866 Filed 4–7–14; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0034]

RIN 1625–AA00

Safety Zone, Texas City Channel; Texas City, TX

AGENCY: Coast Guard, DHS.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, the Coast Guard is removing the regulation

for the safety zone at Snake Island, also known as Shoal Point, within the Texas City Channel. The Coast Guard is removing the regulation because it places general restrictions on vessels which are no longer necessary.

DATES: This rule is effective on July 7, 2014, unless the Coast Guard receives written adverse comments or written notice of intent to submit adverse comments on or before May 8, 2014. If the Coast Guard receives a written adverse comment or written notice of intent to submit a written adverse comment, the Coast Guard will publish a timely withdrawal of this Direct Final Rule.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

Mail or Delivery: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG William Stewart, Marine Safety Unit Texas City, U.S. Coast Guard; telephone (409) 978–2730, email *William.a.stewart@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulation
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
VTS Vessel Traffic Service

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–0034] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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 the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0034) 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.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The Coast Guard proposed to establish a safety zone at Snake Island on July 31, 1981 to assist in managing port congestions. The safety zone became a final rule on July 8, 1982 [47 FR 13802]. On June 29, 2000, the safety zone was amended to reflect a name change from Captain of the Port, Galveston to Captain of the Port, Houston-Galveston. The safety zone is currently codified as amended at 33 CFR 165.804.

We are publishing this direct final rule under 33 CFR 1.05–55 because this rule removes a regulatory burden found no longer necessary and no adverse comments are expected. If no adverse comment or notice of intent to submit an adverse comment is received by May 8, 2014, this rule, removing an existing safety zone regulation, will become effective as stated in the **DATES** section. In that case, approximately 30 days before the effective date, we will publish a document in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if we receive an adverse comment or notice of intent to submit an adverse comment, we will publish a document in the **Federal Register** announcing the withdrawal of all or part of this direct final rule. If an adverse comment applies only to part of this rule (e.g., to an amendment, a paragraph, or a section) and it is possible to remove that part without defeating the purpose of this rule, we may adopt, as final, those parts of this rule on which no adverse comment was received. We will withdraw the part of this rule that was the subject of an adverse comment. If we decide to proceed with a rulemaking following receipt of an adverse comment, we will publish a separate notice of proposed

rulemaking (NPRM) and provide a new opportunity for comment.

A comment is considered ''adverse'' if the comment explains why this rule or a part of this rule would be inappropriate, including a challenge to its underlying premise or approach, or would be ineffective or unacceptable without a change.

C. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones.

The purpose of this direct final rule is to remove the regulation found in 33 CFR 165.804 that established a safety zone restriction in the Texas City Channel. The Coast Guard finds that the present regulation imposes a continuous prohibition from mooring and fleeting on Snake Island that is no longer necessary.

D. Discussion of the Final Rule

On June 3, 2013, the Port of Texas City requested the Captain of the Port Houston-Galveston remove the safety zone currently enforced on the west and northwest shores of Snake Island. The Port of Texas City petitioned for the safety zone removal for ''the safety of the users of the Texas City Harbor and to assist in managing the vessel traffic in the Port of Texas City''. With the significant increase in vessel size and traffic during the past thirty years, the Texas City Harbor is not wide enough to accommodate barge traffic passing while ships are docking or sailing. Thus, under the current regulation found under 33 CFR 165.804, barge traffic is subject to queuing in the Texas City Channel for multiple hours, often navigating amongst other vessel traffic and adverse weather conditions. By removing the safety zone on Snake Island, barge traffic will be afforded the opportunity to moor along the shoreline, lessening harbor congestion and reducing the risk for marine casualties.

A regulation that imposes a continuous prohibition from mooring and fleeting on Snake Island is no longer necessary for the following reasons: (1) The Coast Guard established a Vessel Traffic Service (VTS) in 1994 [**Federal Register** Volume 59, Number 135 (Friday, July 15, 1994)] which adequately manages vessel movements; (2) the Port of Texas City has established a Harbormaster, who further facilitates traffic movements and berthing arrangements; and (3) the Coast Guard implemented a permanent security zone in Texas City, Texas established under 33 CFR 165.814 which encompasses the west and northwest approaches to Snake Island. This security zone restricts certain vessels from entering specified areas and facilities within the port, which effectively helps to manage traffic. Over time, by establishing a Harbormaster, VTS, and certain other regulations the subject safety zone under 33 CFR 165.804, has become unnecessary for its original purpose to manage congestion.

The Port of Texas City's request to remove this safety zone has received broad support and has been endorsed by the Galveston-Texas City Pilot's Association, Lone Star Harbor Safety Committee, and Sector Houston-Galveston Vessel Traffic Service. Additionally, the owner of Snake Island, the City of Texas City has no objections to this proposal.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. Because this rule is removing all safety zone restrictions under 33 CFR 165.804, it is not a significant regulatory action. No new restrictions or actions are being imposed by this rule.

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.

This rule removes all restrictions imposed by the safety zone regulation under 33 CFR 165.804. Therefore, the Coast Guard finds that 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 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 is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental checklist and categorical exclusion determination are not required under 34(g), for regulations disestablishing a safety zone. 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 165

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

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

PART 165—[AMENDED]

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

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

§ 165.804 [REMOVED]

■ 2. Remove § 165.804.

Dated: February 21, 2014.

Brian K. Penoyer,

Captain, U.S. Coast Guard, Captain of the Port Houston-Galveston.

[FR Doc. 2014–07839 Filed 4–7–14; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 79, No. 67
Tuesday, April 8, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket No. EERE–2014–BT–TP–0006]

RIN 1904–AD16

Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedure for Commercial Packaged Boilers

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

ACTION: Request for information (RFI); reopening of the comment period.

SUMMARY: The U.S. Department of Energy (DOE) has initiated a rulemaking and data collection process to consider amendments to DOE's test procedures for commercial packaged boilers, starting with an RFI published in the **Federal Register** on February 20, 2014. As part of that process, DOE is considering the potential for adoption of part-load efficiency measurement as part of this test procedure rulemaking and welcomes comment on a variety of related issues. Due to technical difficulties with the email address for the RFI, this document announces a new email address to submit comments, data, and information, and reopens the comment period through April 16, 2014.

DATES: DOE will accept written comments, data, and information regarding the test procedure for commercial packaged boilers published February 20, 2014 (79 FR 9643) received on or before April 16, 2014.

ADDRESSES: Interested persons are encouraged to submit comments electronically. However, interested persons may submit written comments, data, and other related information regarding the RFI for commercial packaged boilers, identified by docket number EERE–2014–BT–TP–0006 or Regulation Identifier Number (RIN) 1904–AD16, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: commercial_packaged_boilers@ee.doe.gov*. Include docket number EERE–2014–BT–TP–0006 and/or RIN 1904–AD16 in the subject line of the message. All comments should clearly identify the name, address, and, if appropriate, organization of the commenter. Submit electronic comments either in WordPerfect, Microsoft Word, portable document format (PDF), or American Standard Code for Information Interchange (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, Framework Document for Commercial and Industrial Air Compressors, Docket No. EERE–2014–BT–TP–0006 and/or RIN 1904–AD16, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies. (Please note that comments sent by mail are often delayed and may be damaged by mail screening processes.)
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Sixth Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Instructions: All submissions received must include the agency name and docket number and/or RIN for this rulemaking. No telefacsimilies (faxes) will be accepted.

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

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=87*. This Web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Mr. James Raba, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–8654. Email: *commercial_packaged_boilers@ee.doe.gov*.

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. 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, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone (202) 586–2945. Email: *Brenda.Edwards@ee.doe.gov*.

SUPPLEMENTARY INFORMATION: On February 20, 2014, DOE published a notice in the **Federal Register** announcing a request for information about test procedures for commercial packaged boilers. 79 FR 9643. The notice requested that comments, data, and information be submitted to *CommPackagedBoilers2014TP0006@ee.doe.gov* on or before the close of the comment period March 24, 2014. Due to technical difficulties associated with the rulemaking inbox established in the **Federal Register** notice and in order to provide interested parties with an adequate opportunity to submit their comments and related information, DOE has established a new email address where interested parties may submit comments to *commercial_packaged_boilers@ee.doe.gov* and has determined that it is appropriate to reopen the comment period. Accordingly, DOE is hereby reopening the comment period and will consider any comments received on or before April 16, 2014 to be timely submitted. DOE continues to seek comment on a variety of issues it has identified; these issues mainly

concern part-load operation and efficiency, appropriate operating conditions both for part-load and full-load operation, and the integration of part-load measurements into the applicable energy efficiency metric. Although DOE welcomes comment on all aspects of its test procedure, DOE is particularly interested in receiving comments and data from stakeholders and the public on these topics.

Issued in Washington, DC, on March 31, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–07683 Filed 4–7–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0190; Directorate Identifier 2012–NM–188–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2011–17–08, which applies to all Airbus Model A330–200 series airplanes, Model A330–200 Freighter series airplanes, and Model A330–300 series airplanes. AD 2011–17–08 currently requires revising the maintenance program by incorporating certain Airworthiness Limitation Items (ALIs). Since we issued AD 2011–17–08, Airbus has revised a certain ALI document, which specifies more restrictive instructions and/or airworthiness limitations. This proposed AD would revise the maintenance or inspection program, as applicable, to incorporate new or revised structural inspection requirements. We are proposing this AD to detect and correct fatigue cracking, damage, and corrosion in certain structure, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by May 23, 2014.

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

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

For service information identified in this proposed AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0190; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0190; Directorate Identifier 2012–NM–188–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On August 2, 2011, we issued AD 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011), which superseded AD 2006–09–07, Amendment 39–14577 (71 FR 25919, May 3, 2006). AD 2011–17–08 required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011), the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0211, dated October 12, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The airworthiness limitations are currently defined and published in the Airbus A330 Airworthiness Limitations Section (ALS).
>
> The airworthiness limitations applicable to the Damage Tolerant Airworthiness Limitation Items (DT ALI) are currently specified in Airbus A330 ALI, Airbus Document reference AI/SE–M4/95A.0089/97, which is approved by EASA and referenced in Airbus ALS Part 2.
>
> Issue 19 of the Airbus A330 ALI Document introduces more restrictive maintenance requirements and/or airworthiness limitations. Failure to comply with the relevant instructions could result in an unsafe condition.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2010–0174 [*http://ad.easa.europa.eu/blob/easa_ad_2010_0174_superseded.pdf/AD_2010–0174_1*] [which corresponds to FAA AD 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011)], which is superseded, and requires the implementation of the new or more restrictive maintenance instructions and/or airworthiness limitations as specified in Airbus A330 ALI Document reference AI/SE–M4/95A.0089/97 issue 19.

The unsafe condition is fatigue cracking, damage, and corrosion in certain structure, which could result in reduced structural integrity of the airplane. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0190.

Relevant Service Information

Airbus has issued the following service information.

• Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012.

• Variations to Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012 (variations reference 0GVLG120018/C0S, dated October 24, 2012.

• Variation to Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012 (variation reference 0GVLG120022/C0S, dated December 21, 2012).

• Variations to Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012 (variations reference 0GVLG130002/C01, dated March 26, 2013).

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (l)(1) of this proposed AD. The request should include a description of changes to the required actions that will ensure the continued damage tolerance of the affected structure.

Costs of Compliance

We estimate that this proposed AD affects 30 airplanes of U.S. registry.

The actions that are required by AD 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011), and retained in this proposed AD take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2011–17–08 is $85 per product.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $2,550, or $85 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing airworthiness directive (AD) 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011), and adding the following new AD:

Airbus: Docket No. FAA–2014–0190; Directorate Identifier 2012–NM–188–AD.

(a) Comments Due Date

We must receive comments by May 23, 2014.

(b) Affected ADs

This AD supersedes AD 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011).

(c) Applicability

This AD applies to Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05, Periodic inspections.

(e) Reason

This AD was prompted by a revision of certain airworthiness limitations items (ALI) documents, which specify more restrictive instructions and/or airworthiness limitations. We are issuing this AD to detect and correct fatigue cracking, damage, and corrosion in certain structure, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Maintenance Program Revision

This paragraph restates the requirements of paragraph (h) of AD 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011). Within 3 months after September 30, 2011 (the effective date of this AD 2011–17–08): Revise the maintenance program by incorporating Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 17, dated May 28, 2010. At the times specified in Airbus Document AI/SE–M4/95A.0089/97, ''A330

Airworthiness Limitation Items,'' Issue 17, dated May 28, 2010, comply with all applicable maintenance requirements and associated airworthiness limitations included in Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 17, dated May 28, 2010.

(h) Retained Requirement: No Alternative Intervals or Limits

This paragraph restates the requirements of paragraph (i) of AD 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011). Except as provided by paragraphs (i) and (k)(1) of this AD, after accomplishing the actions specified in paragraph (g) of this AD, no alternatives to the maintenance tasks, intervals, or limitations specified in paragraph (g) of this AD may be used.

(i) New Maintenance or Inspection Program Revision

(1) Within 3 months after the effective date of this AD: Revise the maintenance or inspection program, as applicable, by incorporating Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012; and Variations to Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012 (variations reference 0GVLG120018/C0S, dated October 24, 2012; and 0GVLG130002/C01, dated March 26, 2013).

(2) Comply with all applicable instructions and airworthiness limitations included in Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012; and Variations to Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012 (variations reference 0GVLG120018/C0S, dated October 24, 2012; and 0GVLG130002/C01, dated March 26, 2013). The initial compliance times for the actions specified Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012; and Variations to Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012 (variations reference 0GVLG120018/C0S, dated October 24, 2012; and 0GVLG130002/C01, dated March 26, 2013); are at the times specified in Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012; and Variations to Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012 (variations reference 0GVLG120018/C0S, dated October 24, 2012; and 0GVLG130002/C01, dated March 26, 2013); or within 3 months after the effective date of this AD, whichever occurs later. Accomplishing the revision in this paragraph ends the requirements in paragraph (g) of this AD.

(j) New Optional Compliance

Compliance with the tasks 533021–02–01, 533021–02–02, 533021–02–03 specified in Variation to Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012 (variation reference 0GVLG120022/C0S, dated December 21, 2012), may be used as a method of compliance to tasks 533021–01–01, 533021–01–02, 533021–01–03 specified in Section 2.2.1 and 2.2.2 of Airbus Document AI/SE M4/95A.0089/97, ''A330 Airworthiness Limitation Items,'' Issue 19, dated March 23, 2012.

(k) New Requirement: No Alternative Intervals or Limits

Except as provided by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD. AMOCs approved previously for AD 2011–17–08, Amendment 39–16772 (76 FR 53303, August 26, 2011), are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012–0211, dated October 12, 2012, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0190.

(2) For service information identified in this AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on March 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–07799 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0189; Directorate Identifier 2013–NM–181–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A300 series airplanes, Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This proposed AD was prompted by a report of chafing found on the overflow sensor harness of the surge tank, and subsequent contact between the electrical wiring and fuel tank structure. This proposed AD would require a one-time inspection for chafing of the overflow sensor harness and structural damage of the outer tank, and repair if necessary. This proposed AD would also require modification of the sensor harness. We are proposing this AD to prevent chafing of the harness and subsequent contact between the electrical wiring and fuel tank structure, which could result in electrical arcing and a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by May 23, 2014.

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

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

- Fax: (202) 493–2251.
- Mail: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0189; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0189; Directorate Identifier 2013–NM–181–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0193, dated August 23, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes, Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

> During a scheduled maintenance check on an A300 aeroplane, chafing was found on the surge tank overflow sensor harness. The harness was found to contact the Magnetic Fuel Level Indicator (MFLI) canister.
>
> Prompted by these findings, DGAC [Direction Générale de l'Aviation Civile] France issued *http://ad.easa.europa.eu/blob/easa_ad_1999_404_293.pdf/AD_1999-404-293* to require modification of the harness routing in accordance with the instructions of Airbus SB [service bulletin] A300–28–0058 or SB A300–28–6020, as applicable to aeroplane model.
>
> Since that [DGAC] AD was issued, maintenance work on modified A300–600 aeroplanes revealed some chafing of the harness, creating a potential contact between the electrical wire and fuel tank structure. Investigations have shown that although measures were taken to prevent contact of the harness with the MFLI (through modification 04489),the installation can be subject to human error. As the MFLI is integral to the access panel in this location, any potential contact with the harness (as a result of incorrect installation) is hidden.
>
> This condition, if not detected and corrected, could lead to electrical arcing, possibly resulting in a fuel tank explosion and loss of the aeroplane. To address this potential unsafe condition, Airbus issued SB A300–28–0091 for A300 aeroplanes, SB A300–28–6109 for A300–600 aeroplanes, and A300–28–9022 for A300–600ST aeroplanes.
>
> For the reasons described above, this [EASA] AD requires a one-time inspection of the harness and, depending on findings, corrective actions, as well as replacement of angle brackets by error-proof harness brackets.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0189.

Relevant Service Information

Airbus has issued Mandatory Service Bulletins A300–28–0091, dated March 5, 2013; and A300–28–6109, Revision 01, dated December 20, 2013. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Repair Approvals

In many FAA transport ADs, when the service information specifies to contact the manufacturer for further instructions if certain discrepancies are found, we typically include in the AD a requirement to accomplish the action using a method approved by either the FAA or the State of Design Authority (or its delegated agent).

We have recently been notified that certain laws in other countries do not allow such delegation of authority, but some countries do recognize design approval organizations. In addition, we have become aware that some U.S. operators have used repair instructions that were previously approved by a State of Design Authority or a Design Approval Holder (DAH) as a method of compliance with this provision in FAA ADs. Frequently, in these cases, the previously approved repair instructions come from the airplane structural repair manual or the DAH repair approval statements that were not specifically developed to address the unsafe condition corrected by the AD. Using repair instructions that were not specifically approved for a particular AD creates the potential for doing repairs that were not developed to address the unsafe condition identified by the MCAI AD, the FAA AD, or the applicable service information, which could result in the unsafe condition not being fully corrected.

To prevent the use of repairs that were not specifically developed to correct the unsafe condition, certain requirements of this proposed AD

specify that the repair approval specifically refer to the FAA AD. This change is intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we use the phrase ''its delegated agent, or the DAH with State of Design Authority design organization approval, as applicable'' in this proposed AD to refer to a DAH authorized to approve certain required repairs for this proposed AD.

Costs of Compliance

We estimate that this proposed AD affects 123 airplanes of U.S. registry.

We also estimate that it would take about 3 work-hours per product to comply with the inspection required by this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this inspection proposed by this AD on U.S. operators to be $31,365, or $255 per product.

We estimate that it would take about 12 work-hours per product to comply with the modification requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $500 per product. Based on these figures, we estimate the cost of this modification proposed by this AD on U.S. operators to be $186,960, or $1,520 per product.

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

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2014–0189; Directorate Identifier 2013–NM–181–AD.

(a) Comments Due Date

We must receive comments by May 23, 2014.

(b) Affected ADs

None.

(c) Applicability

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

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

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

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

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

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

(d) Subject

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

(e) Reason

This AD was prompted by a report of chafing found on the overflow sensor harness of the surge tank, and subsequent contact between the electrical wiring and fuel tank structure. We are issuing this AD to prevent chafing of the harness and subsequent contact between the electrical wiring and fuel tank structure, which could result in electrical arcing and a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) One-Time Inspection and Repair

Within 30 months after the effective date of this AD: Perform a one-time visual inspection for chafing of the outer tank sensor harness between ribs 26 and 27, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–28–0091, dated March 5, 2013 (for Model A300 series airplanes); or Airbus Mandatory Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013 (for Model A300–600 series airplanes).

(1) If any previous repairs are identified, or if braid and wire insulation is found damaged with the conductor exposed during the inspection required by paragraph (g) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA (or its delegated agent, or the Design Approval Holder with a State of Design Authority's design organization approval, as applicable). For a repair method to be approved, the repair approval must specifically refer to this AD.

(2) If the braid and wire insulation is found damaged without the conductor exposed during the inspection required by paragraph (g) of this AD: Before further flight, repair, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–28–0091, dated March 5, 2013 (for Model A300 series airplanes); or Airbus Mandatory Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013 (for Model A300–600 series airplanes).

(h) Modification

(1) For airplanes on which no damage was found during the inspection required by paragraph (g) of this AD: Before further flight, install modified and error-proof angle brackets to stringer 15 between ribs 26 and 27 of the outer tank sensor harness, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–28–0091, dated March 5, 2013 (for Model A300 series airplanes); or Airbus Mandatory Service Bulletin A300–28–6109,

Revision 01, dated December 20, 2013 (for Model A300–600 series airplanes).

(2) For airplanes on which any damage was found during the inspection required by paragraph (g) of this AD, and the applicable repair required by paragraph (g)(1) or (g)(2) of this AD has been done: Before further flight, install modified and error-proof angle brackets to stringer 15 between ribs 26 and 27 of the outer tank sensor harness, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–28–0091, dated March 5, 2013 (for Model A300 series airplanes); or Airbus Mandatory Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013 (for Model A300–600 series airplanes).

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Mandatory Service Bulletin A300–28–6109, dated March 5, 2013, which is not incorporated by reference in this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0193, dated August 23, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0189.

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

Issued in Renton, Washington, on March 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–07801 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0188; Directorate Identifier 2013–NM–157–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This proposed AD was prompted by reports of two in-service incidents where one side of the main landing gear (MLG) did not achieve down-lock. This proposed AD would require a detailed inspection of the apex joints of the stabilizer brace lock link in the MLG for clearance; rectifying and repairing the clearance gap, if necessary; and lubricating the apex joints of the stabilizer brace lock link in the MLG. We are proposing this AD to detect and correct insufficiently greased stabilizer brace lock linkage of the MLG and over-torqued lock linkage attachment bolts, which could lead to the failure to extend and down-lock the MLG, and could affect the safe landing of the airplane.

DATES: We must receive comments on this proposed AD by May 23, 2014.

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

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

For service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0188; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Luke Walker, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228–7363; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0188; Directorate Identifier 2013–NM–157–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The Transport Canada Civil Aviation, which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–19, dated July 18, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> There have been two reported in-service incidents where one side of the main landing gear (MLG) did not achieve down-lock resulting in a gear unsafe indication. In both cases, the MLG was ultimately extended and down-lock was achieved through the use of the alternate extension system or by cycling the MLG. The investigation revealed that in both cases, the MLG stabilizer brace lock linkages were insufficiently greased and the lock linkage attachment bolts were over-torqued.
>
> Failure to extend and down-lock the MLG could adversely affect the safe landing of the aeroplane.
>
> This [TCCA] AD mandates the [detailed] inspection, rectification [and repair the clearance gap] as required, and lubrication of both MLG stabilizer brace lock link apex joints.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0188.

Relevant Service Information

Bombardier, Inc. has issued Service Bulletin 84–32–121, dated May 27, 2013. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Repair Approvals

In many FAA transport ADs, when the service information specifies to contact the manufacturer for further instructions if certain discrepancies are found, we typically include in the AD a requirement to accomplish the action using a method approved by either the FAA or the State of Design Authority (or its delegated agent). We have recently been notified that certain laws in other countries do not allow such delegation of authority, but some countries do recognize design approval organizations. In addition, we have become aware that some U.S. operators have used repair instructions that were previously approved by a State of Design Authority or a Design Approval Holder (DAH) as a method of compliance with this provision in FAA ADs. Frequently, in these cases, the previously approved repair instructions come from the airplane structural repair manual or the DAH repair approval statements that were not specifically developed to address the unsafe condition corrected by the AD. Using repair instructions that were not specifically approved for a particular AD creates the potential for doing repairs that were not developed to address the unsafe condition identified by the MCAI AD, the FAA AD, or the applicable service information, which could result in the unsafe condition not being fully corrected.

To prevent the use of repairs that were not specifically developed to correct the unsafe condition, certain requirements of this proposed AD would require that the repair approval specifically refer to the FAA AD. This change is intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we use the phrase ''its delegated agent, or the DAH with State of Design Authority design organization approval, as applicable'' in this proposed AD to refer to a DAH authorized to approve certain required repairs for this proposed AD.

Costs of Compliance

We estimate that this proposed AD affects 75 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and Lubrication	$3 work-hours × $85 per hour = $255	$0	$255	$19,125

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

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by adding the following new airworthiness directive (AD):

Bombardier, Inc.: Docket No. FAA–2014–0188; Directorate Identifier 2013–NM–157–AD.

(a) Comments Due Date

We must receive comments by May 23, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401 and –402 airplanes, certificated in any category, serial numbers 4001 through 4454 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32; Main Landing Gear.

(e) Reason

This AD was prompted by reports of two in-service incidents where one side of the main landing gear (MLG) did not achieve down-lock. We are issuing this AD to detect and correct insufficiently greased stabilizer brace lock linkage of the MLG and over-torqued lock linkage attachment bolts, which could lead to the failure to extend and down-lock the MLG, and could affect the safe landing of the airplane.

(f) Compliance

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

(g) Inspection

Within 1,000 flight hours or 6 months after the effective date of this AD, whichever occurs first: Do a detailed inspection of the apex joints of the stabilizer brace lock link in the main landing gear (MLG) for clearance, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–121, dated May 27, 2013.

(1) If the clearance gap is 0.001 inches (0.025 millimeters) or greater, do the action in paragraph (h) of this AD at the time specified in paragraph (h) of this AD.

(2) If the clearance gap is less than 0.001 inches (0.025 millimeters), before further flight, rectify the clearance gap, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–121, dated May 27, 2013; and do the action in paragraph (h) of this AD at the time specified in paragraph (h) of this AD. If the clearance gap cannot be rectified in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–121, dated May 27, 2013: Before further flight, repair using a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA; or Transport Canada Civil Aviation (TCCA) (or its delegated agent, or the Design Approval Holder with TCCA's design organization approval, as applicable). For a repair method to be approved, the repair approval must specifically refer to this AD. After the repair is done, do the action in paragraph (h) of this AD at the time specified in paragraph (h) of this AD.

Note 1 to paragraphs (g) and (h) of this AD: Completion of the actions in this AD does not affect the actions specified in the existing maintenance review board (MRB) task number 320001–201.

(h) Lubrication

Within 1,000 flight hours or 6 months after the effective date of this AD, whichever occurs first: Lubricate the apex joints of the stabilizer brace lock link in the MLG, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–121, dated May 27, 2013.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–19, dated July 31, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov.* This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0188.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on March 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–07800 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. FDA–2014–F–0364]

Eastman Chemical Company; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Eastman Chemical Company, proposing that the food additive regulations be amended to remove the upper bound of the melting point range in the regulation for the antioxidant TBHQ (tertiary butylhydroquinone) and add a purity acceptance criterion.

DATES: The food additive petition was filed on March 11, 2014.

ADDRESSES: See **FOR FURTHER INFORMATION CONTACT** for address.

FOR FURTHER INFORMATION CONTACT: Ellen Anderson, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1309.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5))), we are giving notice that we have filed a food additive petition (FAP 4A4803), submitted by Eastman Chemical Company, c/o Keller and Heckman LLP, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposes to amend the food additive regulations in § 172.185 (21 CFR 172.185) *TBHQ* to remove the upper bound of the melting point range specified in § 172.185(a) and to add an acceptance criterion for purity as measured by the percentage of TBHQ (not less than 99%) when tested by the titration assay specified in the most current edition of the Food Chemicals Codex.

We have determined under 21 CFR 25.30(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: April 1, 2014.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2014–07632 Filed 4–7–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0061]

RIN 1625–AA00

Safety Zones; Annually Recurring Events in Coast Guard Southeastern New England Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the special local regulations for the ''RI Air National Guard Air Show'' and the ''Swim Buzzards Bay'' events. This amendment would add an additional month to the eligible dates for which the Safety Zone Regulations apply to each of these two events.

DATES: Comments and related material must be received by the Coast Guard on or before May 8, 2014. Requests for public meetings must be received by the Coast Guard on or before April 29, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0061 using any one of the following methods:

(1) *Federal e-Rulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) Mail or Delivery: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Edward LeBlanc, Waterways Management Division at Coast Guard Sector Southeastern New England, telephone 401–435–2351, email *Edward.G.LeBlanc@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
SLR Special Local Regulation

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov*, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, type the docket number [USCG–2014–0061] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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 the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number [USCG–2014–0061] 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.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before April 29, 2014, using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold

one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

On June 21, 2012 the Coast Guard implemented regulations that removed seven outdated marine events from the CFR and established permanent regulated areas at 33 CFR 165.173 in conjunction with 24 other recurring marine events in the Sector Southeastern New England Area of Responsibility (AOR). In the Table to section 33 CFR 165.173, the Coast Guard provided the name, type, approximate safety zone dimensions, dates, times, and locations of each event. This NPRM proposes to expand the approximate dates for two events, the Air Show and the Swim.

C. Basis and Purpose

The legal basis for this proposed rule is 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define safety zones and special local regulations.

On May 22, 2012, the Coast Guard published a Final Rule in the **Federal Register** (77 FR 30188) that amended certain special local regulations and established permanent safety zones for numerous recurring marine events within Coast Guard Sector Southeastern New England. For each recurring marine event a range of eligible dates is included in the Table to 33 CFR 165.173.

Due to the changing scheduling of these events, several revisions are necessary to provide a larger window of eligible dates for the sponsors of each event to better coordinate with other waterway users, major participants, and state and local safety officials.

D. Discussion of Proposed Rule

The Coast Guard proposes to amend the safety zone regulations listed in sections 6.2 (RI Air National Guard Air Show) and 7.12 (Swim Buzzards Bay) of the Table contained in 33 CFR 165.173. This proposed amendment would add an additional month to the eligible dates for which the SLR at 33 CFR 165.173 apply to each of these two events. For the Air Show, the month of May would be added to June and July, so that the regulation listed in section 6.2 would apply to one weekend in May, June, or July, rather than just June or July as is applicable under the current regulation.

For the Swim Buzzards Bay event, the month of June would be added to July and August, so that the regulation listed in section 7.12 would apply to one Saturday or Sunday in June, July, or August, rather than just July or August as is applicable under the current regulation.

These proposed revisions are necessary to provide a larger window of eligible dates for the sponsors of each event to better coordinate with other waterway users, major participants, and state and local safety officials.

E. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Regulatory Planning and Review

This proposed 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, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. Although this regulation may have some impact on the public, the potential impact will be minimized for the following reasons: The Air Show would still be limited to only a single three-day weekend period (Friday, Saturday, and Sunday) during the month of May, and the Air Show has occurred annually for many years with no negative public comments or concerns regarding impacts to navigation. The Swim would still be limited to only a single Saturday or Sunday during the month of June, and the Swim has occurred annually for many years with few negative public comments or concerns regarding impacts to navigation, and those comments and concerns have been readily and satisfactorily resolved.

Notifications will be made to the local maritime community through the Local Notice to Mariners well in advance of the Air Show and Swim. No new or additional restrictions will be imposed on vessel traffic.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: owners or operators of vessels intending to transit, fish, or anchor in the area of the events listed in sections 6.2 or 7.12 of the Table to 33 CFR 165.173.

The proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons: The Air Show would still be limited to only a single three-day weekend period (Friday, Saturday, and Sunday) during the entire eligible period (May, June, July as proposed herein), and the Air Show has occurred annually for many years with no negative public comments or concerns regarding impacts to navigation. The Swim would still be limited to a single Saturday or Sunday during the entire eligible period (June, July, August as proposed herein), and the Swim has occurred annually for many years with few negative public comments or concerns regarding impacts to navigation, and those comments and concerns have been readily and satisfactorily resolved.

Notifications will be made to the local maritime community through the Local Notice to Mariners well in advance of the Air Show and Swim. No new or additional restrictions will be imposed on vessel traffic.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 under **FOR FURTHER INFORMATION CONTACT**. The Coast Guard will not

retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no 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 State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it 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 proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This proposed rule would 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 proposed 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 From Environmental Health Risks

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

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed rule 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed 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 made a preliminary determination that this action appears to be one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the modification of a safety zone. This proposed rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination is 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 proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Amend Table § 165.173 as follows:

■ a. Add a new category entitled ''5.0 MAY'' below the category ''1.0 365 DAY JANUARY–DECEMBER'' and above the category ''6.0 JUNE'';

■ b. Redesignate item 6.2, ''RI National Guard Air Show'' as item 5.1, and locate it beneath the category ''5.0 MAY'';

■ c. Redesignate item 7.12 ''Swim Buzzards Bay'' as item 6.2, and locate it below item 6.1 ''Oak Bluffs Summer Solstice.''

■ d. Amend the entry for ''Date'' in newly redesignated item 5.1, ''RI Air National Guard Air Show''; and

■ e. Amend the entry for ''Date'' in newly redesignated item 6.2 ''Swim Buzzards Bay.''

The revisions and additions read as follows:

§ 165.173 Safety Zones for annually recurring marine events held in Coast Guard Southeastern New England Captain of the Port Zone.

* * * * *

TABLE TO § 165.173

1.0 365 DAY JANUARY–DECEMBER

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5.0 MAY

TABLE TO § 165.173—Continued

5.1 RI National Guard Air Show.	• Event Type: Air Show. • Date: One weekend (Friday, Saturday, and Sunday) in May, June, or July, as announced in the local Notice to Mariners. • Time: Approximately 9:00 a.m. to 7:00 p.m. • Location: (1) All waters over the West Passage of Narragansett Bay, in the vicinity of the Quonset State Airport, North Kingston, RI which are within a 4000-yard radius arc extending from position 41°35′44″ N, 071°24′14″ W (NAD 83); and (2) All waters over the West Passage of Narragansett Bay, in the vicinity of Narragansett Pier, Narragansett, RI, which are within a 2000-yard radius arc extending from position 41°26′17″ N, 071°27′02″ W (NAD 83) (Friday only). • Safety Zone Dimension: Approximately 1000 yards long by 1000 yards wide.
6.0 JUNE	
* * * * * * *	
6.2 Swim Buzzards Bay.	• Event Type: Swim Event. • Date: One Saturday or Sunday in June, July, or August, as announced in the local Notice to Mariners. • Location: The regulated area includes all waters in the vicinity of the Outer New Bedford Harbor, within 500 yards along a centerline with an approximate start point of 41°36′35″ N, 070°54′18″ W (NAD 83) and an approximate end point of 41°37′26″ N, 070°53′48″ W (NAD 83) at Davy's Locker Restaurant in New Bedford, MA, to Fort Phoenix Beach in Fairhaven, MA. • Safety Zone Dimension: 500 yards on either side of the centerline described above.
* * * * * * *	

Dated: March 5, 2014.

J.T. Kondratowicz,

Captain, U.S. Coast Guard, Captain of the Port Southeastern New England.

[FR Doc. 2014–07833 Filed 4–7–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA–HQ–OPPT–2012–0018; FRL–9909–05]

RIN 2070–AJ92

Formaldehyde Emissions Standards for Composite Wood Products; Notice of Public Meeting and Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of meeting and reopening of comment period.

SUMMARY: On June 10, 2013, EPA published a notice of proposed rulemaking (NPRM) in the **Federal Register** entitled ''Formaldehyde Emissions Standards for Composite Wood Products.'' This document announces a public meeting for April 28, 2014, and reopens the comment period for the June 10, 2013 **Federal Register** document for 30 days to allow additional comments to be submitted by the public. Information obtained at the public meeting and during the comment period will be considered by the Agency when preparing the final regulations implementing the formaldehyde emission standards. In particular, EPA is requesting information related to the treatment of laminated products under the proposed regulations.

DATES: For the proposed rule published June 10, 2013 (78 FR 34820), comments must be received on or before May 8, 2014.

The meeting will be held on April 28, 2014, from 1 p.m. to 3:30 p.m.

Requests to participate in the meeting must be received on or before April 21, 2014.

Registered participants, if presenting at the meeting, must request to be scheduled to present on or before April 21, 2014.

To request accommodation of a disability, please contact the technical person listed under **FOR FURTHER INFORMATON CONTACT**, preferably by April 21, 2014, to give EPA as much time as possible to process your request.

ADDRESSES: For submission of comments, follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of June 10, 2013 (78 FR 34820) (FRL–9342–3).

The meeting will be held at in the East William Jefferson Clinton Bldg., Rm. 1153, 1201 Constitution Ave. NW., Washington, DC.

Submit requests to participate in the meeting, identified by docket identification (ID) number EPA–HQ–OPPT–2012–0018, to the technical person listed under **FOR FURTHER INFORMATION CONTACT**. Upon request, a teleconferencing number will be provided for those who wish to attend the meeting remotely.

Submit requests to schedule a presentation at the meeting, identified by docket ID number EPA–HQ–OPPT–2012–0018, to the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Sara Kemme, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 566–0511; email address: *kemme.sara@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. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including import), purchase, or sell composite wood products. You may also be affected if you manufacture (including import), purchase, or sell finished goods or component parts that contain composite wood products. 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:

- Furniture and related product manufacturing (NAICS code 337).
- Veneer, plywood, and engineered wood product manufacturing (NAICS code 3212).
- Plastics material and resin manufacturing (NAICS code 325211).
- Furniture merchant wholesalers (NAICS code 42321).
- Lumber, plywood, millwork, and wood panel merchant wholesalers (NAICS code 42331).
- Other construction material merchant wholesalers (NAICS code 423390), e.g., merchant wholesale distributors of manufactured homes (i.e., mobile homes) and/or prefabricated buildings.

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

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

C. Are there requirements for meeting presentations?

To ensure that all interested parties will have an opportunity to comment in the allotted time, oral presentations or statements will be limited to 10 minutes. EPA, therefore, recommends that stakeholders who present oral comments also submit written comments following the instructions provided under **ADDRESSES**.

D. What is the Agency's authority for taking this action?

This document is being developed under the authority of section 601 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2697.

II. Background

On June 10, 2013, EPA published a NPRM in the **Federal Register** entitled ''Formaldehyde Emissions Standards for Composite Wood Products'' (Ref. 1). After two extensions, the comment period for the NPRM closed on October 9, 2013 (Ref. 2). After the closing of the comment period, the California Air Resources Board (CARB) provided additional documents that EPA wishes to consider in developing the final regulation (Refs. 3 and 4). EPA is especially interested in CARB's potential modifications to its Airborne Toxics Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products to address laminated products (Ref. 3).

EPA received public comments on the treatment of laminated products, including several comments that suggested laminated products should be exempted from the definition of hardwood plywood or, if not, they should not be held to the same testing requirements as hardwood plywood. CARB suggested that laminated products be held to an emission standard, but that there should be no required emissions testing (Ref. 3). Some commenters suggested EPA should consider self-certification for smaller companies (Ref. 5). One of these commenters suggested excluding small companies that produce less than 100,000 square feet per year from the testing and certification requirements (Ref. 5). Another commenter, noting that the proposed definition of laminated product is limited to products made with particleboard, medium-density fiberboard, or veneer cores, suggested a reduced testing frequency coupled with third-party certifier oversight for all laminated product producers and for all similar products, regardless of core type (Ref. 6). Other commenters suggested that it is appropriate to reduce the testing frequency by limiting the required testing to annual testing (Ref. 7) and require laminated product producers to test only their highest emitting product (Ref. 8).

EPA has also received input on the appropriate emission standard, if any, for laminated products. One commenter suggested that, because hardwood plywood is indistinguishable from laminated products, the hardwood plywood emission standard is appropriate (Ref. 6). CARB suggested that laminated product producers could be expected to meet an emission standard identical to the thin medium-density fiberboard standard (Ref. 3). Another commenter suggested the particleboard emission standard is the most appropriate standard for laminated products (Ref. 9). Another commenter, while not suggesting a specific emission standard, noted that, in many cases, laminated products are intermediate products that are not offered for sale, and stated that EPA's proposal ''gives no credit or recognition to the significant reduction in emissions when a product is laminated and finished'' (Ref. 10).

The Agency is seeking additional public input related to laminated products. The purpose of this meeting and the reopening of the comment period is to facilitate additional public input regarding potential modifications to EPA's proposed treatment of laminated products under the proposed regulation, including options based on the ideas raised in the comments discussed in this unit. With respect to the treatment of laminated products, EPA is considering one, or a combination of, the following: CARB's latest proposal (Ref. 1); a reduced testing program for laminated products, a self-certification program for laminated products, an exemption of laminated products from the definition of ''hardwood plywood''; or an exemption from testing and certification requirements for all laminated products or just those made by a low-volume producer. EPA requests comment and information on what an appropriate production volume threshold for testing and certification might be. EPA is also considering whether third-party certification should be required for laminated products if emission testing for these products is required; what

emission standard, if any, would be appropriate for laminated products; and whether laminated products should be grouped for testing purposes. EPA is also requesting comment on associated definitional changes, including those in CARB's latest proposal, and other potential changes to the definition of ''laminated product'' (Ref. 3), such as expanding the eligible platforms to cover the cores identified in the definition of ''hardwood plywood'' (Ref. 4).

EPA is reopening the comment period for the June 10, 2013 **Federal Register** document to allow interested parties to submit additional relevant information before or after the public meeting. The reopened comment period will stay open through the public meeting on April 28, 2014, and continue to remain open until May 8, 2014 to accommodate written follow-up comments that participants or the general public wish to submit after the public meeting. Comments will be accepted regardless of whether the submitter participates in the public meeting.

III. References

A docket has been established for this document under docket ID number EPA–HQ–OPPT–2012–0018. The following is a list of the documents that are specifically referenced in this document. The docket includes these documents and other information including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. Formaldehyde Emissions Standards for Composite Wood Products (78 FR 34820, June 10, 2013) (FRL–9342–3).
2. Formaldehyde Emissions Standards for Composite Wood Products; Extension of Comment Period (78 FR 51695, August 21, 2013) (FRL–9397–2).
3. CARB. Staff Proposal, Alternate Regulatory Approach for Laminated Products Made with Wood Veneer. March 13, 2014.
4. CARB. Preliminary Draft, Amended Final Regulation Order. March 17, 2014.
5. Comment submitted by Joseph H. DuPree, Jr., Chief Operating Officer, Custom Wholesale Floors, Inc. (EPA–HQ–OPPT–2012–0018–0541).
6. Comment submitted by Kip Howlett, President, Brian Sause, Director of Testing, Certification and Standards, and Josh Hosen, Manager of Certification Services, Hardwood Plywood and Veneer Association (EPA–HQ–OPPT–2012–0018–0571).
7. Comment submitted by John Goebel, Chief Executive Officer, Northern Contours, Inc. and John Fitzpatrick, Chief Executive Officer, Woodcraft Industries, Inc. (EPA–HQ–OPPT–2012–0018–0590).
8. Comment submitted by Mike Zimmerman, Laboratory Manager, Sauder Woodworking Corporation (EPA–HQ–OPPT–2012–0018–0566).
9. Comment submitted by Magnus Björk, Compliance Development Specialist, IKEA Trading Operations on behalf of IKEA of Sweden (EPA–HQ–OPPT–2012–0018–0530).
10. Comment submitted by Bill Perdue, Vice President of Regulatory Affairs, American Home Furnishings Alliance (EPA–HQ–OPPT–2012–0018–0562).

List of Subjects in 40 CFR Part 770

Environmental protection, Composite wood, Formaldehyde, Reporting and recordkeeping requirements, Toxic substances, Wood.

Dated: March 28, 2014.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2014–07696 Filed 4–7–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2013–0014; 4500030113]

RIN 1018–AZ32

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the New Mexico Meadow Jumping Mouse

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on the June 20, 2013, proposed designation of critical habitat for the New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of a draft economic analysis and draft environmental assessment of the proposed designation, as well as an amended required determinations of the proposal. We are reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed critical habitat rule, the associated draft economic analysis and draft environmental assessment, and the amended required determinations section. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule.

DATES: The comment due date for the proposed rule published in the **Federal Register** on June 20, 2013 (78 FR 37328) is extended. We will consider comments received or postmarked on or before May 8, 2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES:

Document availability: You may obtain copies of the proposed rule and the associated documents of the draft economic analysis and draft environmental assessment on the internet at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0014 or by mail from the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Written comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Submit comments on the critical habitat proposal and associated draft economic analysis and draft environmental assessment by searching for FWS–R2–ES–2013–0014, which is the docket for the critical habitat rulemaking.

(2) *By hard copy:* Submit comments on the critical habitat proposal and associated draft economic analysis and draft environmental assessment by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2013–0014; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Wally ''J'' Murphy, Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE., Albuquerque, NM 87113; by telephone 505–346–2525; or by facsimile 505–346–2542. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written comments and information during this reopened comment period on our proposed designation of critical habitat for the New Mexico meadow jumping mouse that was published in the **Federal Register** on June 20, 2013 (78 FR 37328), our draft economic analysis, the draft environmental assessment, and the amended required determinations provided in this document. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*) including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat may not be prudent.

(2) Specific information on:

(a) The distribution of the New Mexico meadow jumping mouse;

(b) The amount and distribution of New Mexico meadow jumping mouse habitat;

(c) What areas occupied by the species at the time of listing that contain features essential for the conservation of the species we should include in the critical habitat designation and why; and

(d) What areas not occupied at the time of listing are essential to the conservation of the species and why.

(3) Land use designations and current or planned activities in the subject areas and their probable impacts on proposed critical habitat.

(4) Information on the projected and reasonably likely impacts of climate change on the New Mexico meadow jumping mouse and proposed critical habitat.

(5) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation; in particular, the benefits of including or excluding areas that exhibit these impacts.

(6) Information on the extent to which the description of economic impacts in the draft economic analysis is a reasonable estimate of the likely economic impacts and the description of the environmental impacts in the draft environmental assessment is complete and accurate.

(7) The likelihood of adverse social reactions to the designation of critical habitat, as discussed in the associated documents of the draft economic analysis, and how the consequences of such reactions, if likely to occur, would relate to the conservation and regulatory benefits of the proposed critical habitat designation.

(8) Whether any areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act.

(9) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

If you submitted comments or information on the proposed rule during the initial comment period from June 20, 2013, to August 19, 2013, please do not resubmit them. We have incorporated them into the public record and will fully consider them in the preparation of our final determination. Our final determination will take into consideration all written comments and any additional information we receive during both comment periods. On the basis of public comments, we may, during the development of our final determination, find that areas proposed as critical habitat are not essential, are appropriate for exclusion under section 4(b)(2) of the Act, or are not appropriate for exclusion.

You may submit your comments and materials concerning the proposed rule, draft economic analysis, or draft environmental assessment by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the Web site. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, draft economic analysis, and draft environmental assessment, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0014 or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Background

On June 20, 2013, we published in the **Federal Register** a proposed rule to list the New Mexico meadow jumping mouse as endangered (78 FR 37363) and designate critical habitat (78 FR 37328). For more information on the species and the species' habitat, refer to the May 2013 Draft Species Status Assessment Report for the New Mexico Meadow Jumping Mouse (SSA Report; Service 2013), available online at *http://www.regulations.gov* in Docket No. FWS–R2–ES–2013–0023 in association with the proposed listing rule. We proposed to designate approximately 310.5 kilometers (km) (193.1 miles (mi)) (5,892 hectares (ha) (14,560 acres (ac)) in eight units as critical habitat within Bernalillo, Colfax, Mora, Otero, Rio Arriba, Sandoval, and Socorro Counties, in New Mexico; Las Animas, Archuleta, and La Plata Counties, Colorado; and Greenlee and Apache Counties, Arizona. Those proposals had 60-day comment periods, ending August 19, 2013. We will publish in the **Federal Register** a final listing for the New Mexico meadow jumping mouse on or before June 20, 2014.

Critical Habitat

Section 3 of the Act defines critical habitat as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. If the proposed rule is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions affecting critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data

available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided that such exclusion will not result in the extinction of the species.

When considering the benefits of inclusion for an area, we consider the additional regulatory benefits that area would receive from the protection from adverse modification or destruction as a result of actions with a Federal nexus (activities conducted, funded, permitted, or authorized by Federal agencies), the educational benefits of mapping areas containing essential features that aid in the recovery of the listed species, and any benefits that may result from designation due to State or Federal laws that may apply to critical habitat.

When considering the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to result in conservation; the continuation, strengthening, or encouragement of partnerships; or implementation of a management plan. In the case of the New Mexico meadow jumping mouse, the benefits of critical habitat include public awareness of the presence of the New Mexico meadow jumping mouse and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for the New Mexico meadow jumping mouse due to protection from adverse modification or destruction of critical habitat. In practice, situations with a Federal nexus exist primarily on Federal lands or for projects undertaken by Federal agencies.

We are considering exclusion of the proposed critical habitat areas on Isleta Pueblo and Ohkay Owingeh to the extent consistent with the requirements of section 4(b)(2) of the Act. Areas owned by Isleta Pueblo that we are considering for exclusion from the final critical habitat designation include 43 ha (105 ac) along 3.7 km (2.3 mi) of ditches, canals, and marshes in Subunit 6–A. Areas owned by Ohkay Owingeh that we are considering for exclusion from the final critical habitat designation include 51 ha (125 ac) along 4.8 km (3.0 mi) of ditches, canals, and marshes in Subunit 6–B.

For the reasons described below, the Service is considering these lands for exclusion under section 4(b)(2) of the Act. We sent notification letters in November 2011 to both Tribes describing our listing and critical habitat designation process, and we have engaged in conversations with both Tribes about the proposed rules to the extent possible without disclosing predecisional information. At their invitation, on August 14, 2013, we attended a coordination meeting with the Isleta Pueblo to discuss the proposed rules, and they provided additional information regarding their land management practices and the potential for developing an endangered species management plan. The Isleta Pueblo has conducted a variety of voluntary measures, restoration projects, and management actions to conserve riparian vegetation, including not allowing cattle to graze within the bosque (riparian areas) and protecting riparian habitat from fire, maintaining native vegetation, and preventing habitat fragmentation (Service 2005; 70 FR 60955; Pueblo of Isleta 2005, entire). Since the meeting, Isleta Pueblo indicated that they intend to amend their riverine management plan for the Rio Grande silvery minnow (*Hybognathus amarus*) and southwestern willow flycatcher (*Empidonax traillii extimus*), which will address and contribute to the conservation of the New Mexico meadow jumping mouse (Pueblo of Isleta 2013, entire).

Ohkay Owingeh has conducted a variety of voluntary measures, restoration projects, and management actions to conserve the New Mexico meadow jumping mouse and its habitat on their lands. The Pueblo has engaged in riparian vegetation and wetland improvement projects, while managing to reduce the occurrence of wildfire due to the abundance of exotic flammable riparian vegetation, including using Tribal Wildlife Grants in both 2004 and 2006 to restore riparian and wetland habitat to benefit the southwestern willow flycatcher, bald eagle (*Haliaeetus leucocephalus*), and other riparian species on 36.4 ha (90 ac) of the Rio Grande (Service 2007a, p. 42; Service 2005, 70 FR 60963). Funding for another 10.9 ha (27 ac) of riparian and wetland restoration was provided in 2007 (Service 2012f, p. 12). The Pueblo received an additional Tribal Wildlife Grant in 2011 to conduct surveys and restore habitat for the New Mexico meadow jumping mouse (Service 2012f, p. 12). The long-term goal of the Pueblo's riparian management is to implement innovative restoration techniques, decrease fire hazards by restoring native vegetation, share information with other restoration practitioners, utilize restoration projects in the education of the Tribal community and surrounding community, and provide a working and training environment for the people of the Pueblo. Ohkay Owingeh indicated that they intend to use their Riparian and Bosque Habitat Restoration and Management Plan to maintain dense wetland vegetation and moist soil conditions to provide suitable habitat for the conservation of the New Mexico meadow jumping mouse (Ohkay Owingeh 2013, entire).

In addition to these management plans under development by the tribes, the Service also is considering exclusion of these tribal lands on the basis of the working relationship we have established. We are aware that designation of critical habitat on tribal lands is generally viewed as an intrusion on their sovereign abilities to manage natural resources in accordance with their own policies, customs, and laws. To this end, we have received public comments indicating that tribes prefer to work with us on a Government-to-Government basis. Therefore, we are considering exclusion of these tribal lands in critical habitat Subunits 6–A and 6–B to maintain our working relationships with the tribes.

A final determination on whether the Secretary will exercise her discretion to exclude any of these areas from critical habitat for the New Mexico meadow jumping mouse will be made when we publish the final rule designating critical habitat. We will take into account public comments and carefully weigh the benefits of exclusion versus inclusion of these areas. The potential benefits of designating critical habitat include: (1) Triggering consultation under section 7 of the Act in new areas for actions in which there may be a Federal nexus where it would not otherwise occur because, for example, it is unoccupied or the occupancy is in question; (2) focusing conservation activities on the most essential features and areas; (3) providing educational benefits to State or county governments or private entities; and (4) preventing people from causing inadvertent harm to the species. In practice, situations with a Federal nexus exist primarily on Federal lands or for projects funded or undertaken by Federal agencies.

However, the final decision on whether to exclude any areas will be based on the best scientific data available at the time of the final designation, including information obtained during the comment period and information about the economic impact of designation. Accordingly, we have prepared a draft economic analysis concerning the proposed critical habitat designation, which is now available for

review and comment (see **ADDRESSES** section).

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a proposed designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species.

The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (e.g., under the Federal listing as well as other Federal, State, and local regulations). The baseline, therefore, represents the costs of all efforts attributable to the listing of the species under the Act (i.e., conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct an optional section 4(b)(2) exclusion analysis.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the New Mexico meadow jumping mouse. We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out the geographic areas in which the critical habitat designation is unlikely to result in probable incremental economic impacts. In particular, the screening analysis considers baseline costs (i.e., absent critical habitat designation) and includes probable economic impacts where land and water use may be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. The screening analysis filters out particular areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. The screening analysis also assesses whether units are unoccupied by the species and may require additional management or conservation efforts as a result of the critical habitat designation for the species, which may incur incremental economic impacts. This screening analysis combined with the information contained in our IEM are what we consider our draft economic analysis of the proposed critical habitat designation for the New Mexico meadow jumping mouse, and this information is summarized in the narrative below.

Executive Orders 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the regulatory analysis requirements of the executive orders, our effects analysis under the Act may take into consideration impacts to both directly and indirectly impacted entities, where practicable and reasonable. We assess to the extent practicable, the probable impacts, if sufficient data are available, to both directly and indirectly impacted entities. As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the New Mexico meadow jumping mouse, first we identified, in the IEM dated July 8, 2013, probable incremental economic impacts associated with the following categories of activities: riparian habitat restoration, fire management plans, fire suppression, fuel reduction treatments, forest plans, livestock grazing allotment management plans, travel management plans recreational use (with U.S. Forest Service), water management and delivery (with Bureau of Reclamation, Army Corps of Engineers, and Fish and Wildlife Service), bridge and road realignment projects (Federal Highways Administration), National Wildlife Refuge planning and projects, beaver management (Department of Agriculture's Animal and Plant Health Inspection Service), and restoration or recovery activities that may affect this species.

We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation will not affect activities that do not have any Federal involvement; designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. In areas where the New Mexico meadow jumping mouse is present, Federal agencies would already be required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement that may affect the species. If we finalize this proposed critical habitat designation, consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the consultation process.

In our IEM, we attempted to clarify the distinction between the effects that will result from the species being listed and those attributable to the critical habitat designation (i.e., the difference between the jeopardy and adverse modification standards) for the New Mexico meadow jumping mouse's critical habitat. The designation of critical habitat for New Mexico meadow jumping mouse was proposed concurrently with the listing. In our experience with such simultaneous rulemaking actions, discerning which conservation efforts are attributable to the species being listed and those which will result solely from the designation of critical habitat is difficult. However, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical and biological features identified for critical habitat are the same features essential for the life requisites of the species, and (2) any actions that would result in sufficient harm or harassment to constitute

jeopardy to the New Mexico meadow jumping mouse would also likely adversely affect the essential physical and biological features of critical habitat. The IEM outlines our rationale concerning baseline conservation efforts and incremental impacts of the designation of critical habitat for this species. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the New Mexico meadow jumping mouse is approximately 310.5 river km (193.1 river mi) (5,892 ha (14,560 ac)) in eight units as critical habitat. Some of these eights units are divided into subunits. There are a total of 23 units plus subunits encompassed by the 8 main units. We consider the 29 locations where the jumping mouse has been found since 2005 to be within the geographic area occupied at the time of listing (occupied areas). All of these 29 occupied locations are contained within 19 of the 23 proposed critical habitats units. Approximately 1 percent (59.7 ha (147.5 ac)) of the proposed critical habitat is currently occupied by the species. Four of the proposed units are completely unoccupied: 3–C Rio de las Vacas, 4–B Upper Rio Peñasco, 6–A Isleta Pueblo, and 6–B Ohkay Owingeh. The remaining 5,832.1 ha (14,411.5 ac), approximately 99 percent of the total proposed critical habitat designation, are currently unoccupied by the species, but are essential for the conservation of the species.

Because the main factor making the New Mexico jumping mouse vulnerable to extinction is the loss of suitable habitat, proposed critical habitat units must be protected and allowed to regrow the needed vegetation for suitable New Mexico jumping mouse habitat, particularly those that contain unoccupied areas. Because the jumping mouse populations are currently small and isolated from one another, the survival and recovery of the species will require expanding the size of currently occupied areas containing suitable habitat into currently unoccupied areas that need to reestablish suitable conditions. Regeneration of suitable habitat in these areas will involve modifying or limiting actions that preclude the development of PCEs (i.e., modifying proposed actions in order to allow appropriate vegetation to regrow) that make up suitable habitat.

During section 7 consultation for unoccupied areas, we would expect some conservation measures to be implemented to avoid destruction or adverse modification. As a result, we anticipate the most probable incremental economic impacts would be associated with developing and implementing conservation measures within unoccupied areas because no section 7 consultation would have likely occurred without the critical habitat designation. Incremental costs would be both administrative costs and the actual costs for implementing measures needed to avoid adverse modification in unoccupied areas. Therefore, we anticipate incremental effects with regard to ongoing and proposed Federal actions, including developing and implementing conservation measures that may differ between currently occupied and unoccupied critical habitat and habitat for the jumping mouse.

In the case of the jumping mouse, we anticipate that additional project modifications as a result of designating critical habitat are predictable because: (1) The majority of each proposed critical habitat unit is considered unoccupied by the species; and (2) the New Mexico jumping mouse is intimately tied to its habitat such that any potential project modifications to avoid adverse modification of unoccupied critical habitat would likely differ substantially from those that are likely to be required to avoid jeopardizing this species. This difference in anticipated project modifications results from the difference in the riparian vegetation within occupied and unoccupied areas within units. The unoccupied areas of proposed critical habitat do not presently contain suitable habitat. All of these completely or partially unoccupied areas currently contain flowing water that is required for future regeneration of the physical and biological features of habitat required to sustain the species' life-history processes. These unoccupied areas will require reestablishment of the primary constituent elements (PCEs), and are essential to the conservation of the mouse because having multiple local populations within each critical habitat unit is the best defense against local extirpation and complete extinction. There is nothing to indicate that the situation will improve without significant conservation intervention focused on allowing the currently lacking physical features related to the wetland vegetation to regrow (either naturally or through management or protection) into suitable habitat. For example, reestablishing PCEs can likely be accomplished from mowing at different times of the year, fencing riparian areas, or changing the livestock grazing regime.

Within the 59.7 ha (147.5 ac) currently occupied by the species, any actions that may affect the species or its habitat would also affect designated critical habitat, and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the New Mexico meadow jumping mouse. Therefore, only administrative costs are expected in approximately 1 percent of the proposed critical habitat designation. Consequently, the majority of proposed critical habitat will require additional time and resources by both the Federal action agency and the Service.

The most likely source of incremental effects of the proposed critical habitat comes from the inclusion of unoccupied areas (where the species historically occurred and are currently not known to occur). The vast majority of each of the proposed critical habitat units are considered unoccupied and currently contain small areas of suitable habitat. In the unoccupied areas, any conservation efforts or associated probable impacts would be considered incremental effects attributed to the critical habitat designation. Within the 5,832.1 ha (14,411.5 ac) of unoccupied critical habitat, incremental costs would be both administrative costs and the actual costs for implementing measures needed to avoid adverse modification in unoccupied areas. Therefore, we anticipate incremental effects with regard to ongoing and proposed Federal actions, including developing and implementing conservation measures that may differ between currently occupied and unoccupied critical habitat and habitat for the jumping mouse. Based on this rationale, we anticipate some increase in overall consultation workload and administrative efforts related to the designation of New Mexico jumping mouse critical habitat, including: (1) The potential increase in the number of consultations resulting from unoccupied areas being proposed as critical habitat; (2) initiation of consultations for ongoing projects to address adverse effects to critical habitat; and (3) possible project modification to avoid adverse modification of critical habitat in areas where significant alteration of habitat is likely or where regeneration of habitat will be precluded. Nevertheless, we expect the majority of this workload will be addressing effects to critical habitat that do not constitute adverse modification within unoccupied areas.

Critical habitat designation for the New Mexico meadow jumping mouse is unlikely to generate costs exceeding $100 million in a single year. The total incremental section 7 costs associated with the proposed designation are estimated to be $19,000,000 over the next 20 years, or $1,100,000 on an annualized basis (seven percent discount rate) for both administrative and conservation effort costs.

This analysis forecasts the total number and administrative cost of future consultations likely to occur for grazing, transportation, recreation, water management, and species and habitat management undertaken by or permitted by Federal agencies within the study area. In addition, the analysis forecasts costs associated with conservation efforts that may be recommended in consultation for those activities occurring in unoccupied areas.

In occupied areas, the economic impacts of implementing the rule through section 7 of the Act will most likely be limited to additional administrative effort to consider adverse modification. This finding is based on the fact that any activities with a Federal nexus occurring within occupied habitat will be subject to section 7 consultation requirements regardless of critical habitat designation, due to the presence of the listed species; and in most cases, project modifications requested to avoid adverse modification are likely to be the same as those needed to avoid jeopardy in occupied habitat. In unoccupied areas, incremental section 7 costs will include both the administrative costs of consultation and the costs of developing and implementing conservation measures needed to avoid adverse modification of critical habitat.

Various economic benefits may result from the incremental conservation efforts identified in this analysis, including: (1) Those associated with the primary goal of species conservation (i.e., direct benefits) and (2) those additional beneficial services that derive from conservation efforts but are not the purpose of the Act (i.e., ancillary benefits). Due to existing data limitations, we are unable to assess the likely magnitude of these benefits.

As we stated earlier, we are soliciting data and comments from the public on our consideration of economic impacts, as well as all aspects of the proposed critical habitat rule and our amended required determinations. We may revise the proposed rule or supporting documents to incorporate or address information we receive during the public comment period. In particular, we may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Draft Environmental Assessment

The purpose of the draft environmental assessment, prepared pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), is to identify and disclose the environmental consequences resulting from the proposed action of designating critical habitat for the New Mexico meadow jumping mouse. In the draft environmental assessment, three alternatives are evaluated: Alternative A, the no action alternative; Alternative B, the proposed rule without exclusion or exemption areas; and Alternative C, the proposed rule with exclusion or exemption areas. The no action alternative is required by NEPA for comparison to the other alternatives analyzed in the draft environmental assessment. The no action alternative is equivalent to no designation of critical habitat for the New Mexico meadow jumping mouse. Under Alternative B, critical habitat would be designated, as proposed, with no exclusions. Under Alternative C, critical habitat would be designated; however, tribal lands on Isleta Pueblo and Ohkay Owingeh would be excluded from critical habitat designation. Our preliminary determination is that designation of critical habitat for the New Mexico meadow jumping mouse will not have direct impacts on the environment. However, we will further evaluate this issue as we complete our final environmental assessment.

Required Determinations—Amended

In our June 20, 2013, proposed rule to designate critical habitat (78 FR 37328), we indicated that we would defer our determination of compliance with several statutes and executive orders until we had evaluated the probable effects on landowners and stakeholders and the resulting probable economic impacts of the designation. Following our evaluation of the probable incremental economic impacts resulting from the designation of critical habitat for the New Mexico meadow jumping mouse, we have amended or affirmed our determinations below. Specifically, we affirm the information in our proposed rule concerning Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13132 (Federalism), E.O. 12988 (Civil Justice Reform), E.O. 13211 (Energy, Supply, Distribution, and Use), the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). However, based on our evaluation of the probable incremental economic impacts of the proposed designation of critical habitat for the New Mexico meadow jumping mouse, we are amending our required determinations concerning the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and E.O. 12630 (Takings), and we are updating our required determinations regarding NEPA and the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951).

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

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of

project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

Following recent court decisions, the Service's current understanding of the requirements under the RFA, as amended, is that Federal agencies are required to evaluate the potential incremental impacts of rulemaking only on those entities directly regulated by the rulemaking itself and, therefore, are not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the Agency is not likely to adversely modify critical habitat. Under these circumstances, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Therefore, it is our position that only Federal action agencies will be directly regulated by this designation. Federal agencies are not small entities, and there is no requirement under the RFA to evaluate the potential impacts to entities not directly regulated. Therefore, because no small entities are directly regulated by this rulemaking, the Service certifies that, if promulgated, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if promulgated, the proposed critical habitat designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

E.O. 12630 (Takings)

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the New Mexico meadow jumping mouse in a takings implications assessment. As discussed above, the designation of critical habitat affects only Federal actions. Although private parties that receive Federal funding or assistance or require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

The economic analysis found that no significant economic impacts are likely to result from the designation of critical habitat for the New Mexico meadow jumping mouse. Because the Act's critical habitat protection requirements apply only to Federal agency actions, few conflicts between critical habitat and private property rights should result from this designation. Based on information contained in the economic analysis assessment and described within this document, economic impacts to a property owner are unlikely to be of a sufficient magnitude to support a takings action. Therefore, the takings implications assessment concludes that this designation of critical habitat for the New Mexico meadow jumping mouse does not pose significant takings implications for lands within or affected by the proposed designation.

National Environmental Policy Act (42 U.S.C. 4321 et. seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses as defined by NEPA in conjunction with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1966)). However, when the range of the species includes States within the Tenth Circuit, such as that of the New Mexico meadow jumping mouse, under the Tenth Circuit ruling in *Catron County Board of Commissioners* v. *U.S. Fish and Wildlife Service,* 75 F.3d 1429 (10th Cir. 1996), we will undertake a NEPA analysis for critical habitat designation. In accordance with the Tenth Circuit, we have completed a draft environmental assessment to identify and disclose the environmental consequences resulting from the proposed designation of critical habitat. Our preliminary determination is that the designation of critical habitat for the New Mexico meadow jumping mouse would not have direct impacts on the environment. However, we will further evaluate this issue as we complete our final environmental assessment.

Government-to-Government Relationship With Tribes

We sent notification letters in November 2011 to both the Isleta Pueblo and Ohkay Owingeh describing the exclusion process under section 4(b)(2) of the Act, and we have engaged in conversations with both tribes about the proposed rule to the extent possible without disclosing predecisional information. We sent out notification letters on June 20, 2013, notifying the tribes that the proposed rule had published in the **Federal Register** to allow for the maximum time to submit comments. Following their invitation, we met with Isleta Pueblo on August 14, 2013, to discuss the proposed rule, and they provided additional information regarding their land management practices and expressed their interest in developing an endangered species management plan. In addition to the letters sent to Ohkay Owingeh and telephone conversations, Ohkay Owingeh did not request Government-to-Government consultations or meetings. At this time, no meetings have been scheduled. In addition, we sent coordination letters to the Bureau of Indian Affairs on September 18, 2013, seeking information for our economic analysis. We will continue to communicate with all affected tribes.

Authors

The primary authors of this notice are the staff members of the New Mexico Ecological Services Field Office, Southwest Region, U.S. Fish and Wildlife Service.

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.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–07629 Filed 4–7–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2013–0072 and FWS–R8–ES–2013–0042; 4500030113]

RIN 1018–AY10; RIN 1018–AZ70

Endangered and Threatened Wildlife and Plants; Threatened Status for the Bi-State Distinct Population Segment of Greater Sage-Grouse With Special Rule and Designation of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rules; reopening of the comment periods.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on our October 28, 2013, proposed rule to list the Bi-State distinct population segment (DPS) of greater sage-grouse (*Centrocercus urophasianus*) as threatened under the Endangered Species Act of 1973, as amended, with a special rule. We are also reopening the public comment period on our October 28, 2013, proposed rule to designate critical habitat for this DPS. We are also announcing the location and time of public hearings to receive public comments on the proposals. Finally, we announce a 6-month extension of the final determination of whether or not to list the Bi-State DPS as a threatened species. We are taking this action based on substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the proposed listing, making it necessary to solicit additional information by reopening the comment period for 60 days. We will publish a listing determination on or before April 28, 2015.

DATES: The comment periods for the proposed rules published in the **Federal Register** on October 28, 2013 (78 FR 64328; 78 FR 64358) are reopened. We will consider comments received or postmarked on or before June 9, 2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section) must be received by 11:59 p.m. Eastern Time on the closing date.

Public Hearing: We will hold two public hearings on these proposed rules in Minden, Nevada on April 29, 2014 from 6 to 9 p.m. (Pacific Time), and Bishop, California, on April 30, 2014, from 6 to 9 p.m. (Pacific Time) (see **ADDRESSES**).

ADDRESSES:

Document availability: You may obtain copies of the proposed rules on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2013–0072 (proposed listing with special rule) and Docket No. FWS–R8–ES–2013–0042 (proposed critical habitat), or contact the U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office or Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Written comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R8–ES–2013–0072 (proposed listing) or FWS–R8–ES–2013–0042 (proposed critical habitat), which are the docket numbers for these rulemakings. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate the document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy for the proposed listing:* Submit by U.S. mail or hand delivery to: Public Comments Processing, Attn: FWS–R8–ES–2013–0072; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203. *By hard copy for the proposed critical habitat:* Submit by U.S. mail or hand delivery to: Public Comments Processing, Attn: FWS–R8–ES–2013–0042; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Information Requested section for more information).

Public hearing: The April 30, 2014, public hearing will be held at the Tri-County Fairgrounds, Home Economics Building, Sierra Street and Fair Drive, Bishop, CA 93514. The April 29, 2014, public hearing will be held at Carson Valley Inn, Valley Ballroom, 1627 U.S. Highway 395 North, Minden, Nevada 89423. People needing reasonable accommodations in order to attend and participate in the public hearing should contact Edward D. Koch, State Supervisor, Nevada Fish and Wildlife Office, as soon as possible (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: For information on the proposed listing rule, proposed special rule, and proposed critical habitat designation, contact Edward D. Koch, State Supervisor, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, NV 89502; telephone 775–861–6300; or facsimile 775–861–6301. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On October 28, 2013, we published a proposed rule to list the Bi-State DPS of greater sage-grouse in California and Nevada as a threatened species under the Endangered Species Act of 1973, as amended (Act) (78 FR 64358), with a special rule under section 4(d) of the Act. We concurrently published a proposed rule to designate critical habitat (78 FR 64328). For a description of previous Federal actions concerning the Bi-State DPS, please refer to the October 28, 2013, proposed rules. Both proposed rules opened a 60-day comment period scheduled to end December 27, 2013; however, we received requests to extend the public comment periods on the proposed rules. In response to those requests, we announced on December 20, 2013, an extension of the comment periods for an additional 45 days (78 FR 77087) to February 10, 2014, to allow additional comment.

Section 4(b)(6) of the Act requires that we take one of three actions within 1 year of a proposed listing: (1) Finalize the proposed listing; (2) withdraw the proposed listing; or (3) extend the final determination by not more than 6 months, if there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination.

Since the publication of the proposed rules, there has been substantial disagreement regarding the interpretation of the best available information related to Bi-State DPS population trends and threats (e.g., from livestock grazing); the consideration given to completed, ongoing, and planned conservation actions; application of the 4(d) special rule; and data layers used for mapping proposed critical habitat. Differing interpretations of the existing population data, in addition to new U.S. Geological Survey (USGS) population information, have led to a significant disagreement regarding the current status of the species. In particular, some commenters and peer reviewers raised questions regarding the interpretation of scientific

information used in the proposed listing rule and scientific literature that was not yet available for use in our analysis. For example, since publication of our proposed listing rule, the USGS has developed an integrated population model that is generating new information valuable for our listing determination. Some commenters stated that our science was flawed and that there are more sage-grouse in the Bi-State area today as opposed to the past, whereas other commenters (including peer reviewers) believe there is a declining trend and continuing threats. It is evident in the comment letters received that analysis or interpretation of data vary between state, agency, public, and peer reviewers.

As a result of these comments and peer reviews, there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to our listing determination. Therefore, in consideration of these disagreements, we have determined that a 6-month extension of the final determination of this rulemaking is necessary, and we are hereby extending the final determination for 6 months in order to solicit information that will help to clarify these issues and fully analyze this information. As noted in the proposed listing rule (78 FR 64358), we were previously required by statutory deadline to make a final decision on the Bi-State DPS listing no later than October 28, 2014. Therefore, with this 6-month extension, we will make a final determination on the proposed rule no later than April 28, 2015. In conjunction with the proposed rule to list the Bi-State DPS, we also proposed a special rule under section 4(d) of the Act that would tailor the prohibitions of the Act to specifically address the threats to the DPS (78 FR 64358). Because this special rule is contingent on the Bi-State DPS listing, our final decision for this special rule will also be delayed until we make a final listing determination for the DPS. Similarly, because critical habitat designation is contingent on the Bi-State DPS listing, our final decision for the proposed critical habitat will also be delayed until we make a final listing determination for the DPS.

Information Requested

We will accept written comments and information during this reopened comment period on our proposed listing (and special 4(d) rule) and designation of critical habitat for the Bi-State DPS that published in the **Federal Register** on October 28, 2013 (78 FR 64328; 78 FR 64358). We will consider information and recommendations from all interested parties. We intend that any final action resulting from the proposal be as accurate as possible and based on the best available scientific and commercial data.

We are particularly interested in new information and comments regarding:

(1) Whether there is scientific information in addition to that considered in our proposed rules that may be useful in our analysis.

(2) New information on or analysis of population trends in the Bi-State area, including data specific to population vital rates.

(3) The scope of the proposed 4(d) rule.

(4) Rangeland conditions and the effects of livestock grazing within the Bi-State area.

(5) Data specific to document the need for addition or removal of areas identified as proposed critical habitat.

(6) Spatial data depicting meadow/brood-rearing habitat extent and condition.

(7) Data specific to recreational use in the Bi-State area and potential adverse or beneficial effects caused by such use.

If you submitted comments or information on the proposed rules (78 FR 64328; 78 FR 64358) during the initial comment period from October 28, 2013, to February 10, 2014, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in the preparation of our final determinations. Our final determinations concerning the listing, special rule, and critical habitat will take into consideration all written comments and any additional information we receive.

You may submit your comments and materials concerning the proposed rules by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the Web site. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed listing, special rule, and proposed critical habitat will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R8–ES–2013–0072 and Docket No. FWS–R8–ES–2013–0042, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rules on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2013–0072 and Docket No. FWS–R8–ES–2013–0042, or at the U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 25, 2014.

Daniel M. Ashe,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2014–07409 Filed 4–7–14; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 79, No. 67

Tuesday, April 8, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0012]

General Conference Committee of the National Poultry Improvement Plan and 42nd Biennial Conference

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan (NPIP) and the NPIP's 42nd Biennial Conference.

DATES: The General Conference Committee meeting will be held on July 10, 2014, from 1:30 p.m. to 5:30 p.m. The Biennial Conference will meet on July 11, 2014, from 8 a.m. to 5 p.m., and on July 12, 2014, from 8 a.m. to 12 p.m.

ADDRESSES: The meeting and conference will be held at the Omni Charlotte Hotel, 132 E. Trade Street, Charlotte, NC 28202.

FOR FURTHER INFORMATION CONTACT: Dr. Denise Brinson, Director, National Poultry Improvement Plan, VS, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094; (770) 922–3496.

SUPPLEMENTARY INFORMATION: The General Conference Committee (the Committee) of the National Poultry Improvement Plan, representing cooperating State agencies and poultry industry members, serves an essential function by acting as liaison between the poultry industry and the Department in matters pertaining to poultry health.

Topics for discussion at the upcoming meeting include:

1. Salmonella update.
2. Approval of rapid assays.
3. Centers for Disease Control and Prevention report on Salmonella infections.
4. Agency budget and cooperative agreements updates.

The meeting will be open to the public. However, due to time constraints, the public will not be allowed to participate in the discussions during the meeting. Written statements on meeting topics may be filed with the Committee before or after the meeting by sending them to the person listed under **FOR FURTHER INFORMATION CONTACT**. Written statements may also be filed at the meeting. Please refer to Docket No. APHIS–2014–0012 when submitting your statements.

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Done in Washington, DC, this 2nd day of April 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–07847 Filed 4–7–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0009]

National Wildlife Services Advisory Committee; Reestablishment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of reestablishment.

SUMMARY: We are giving notice that the Secretary of Agriculture will reestablish the National Wildlife Services Advisory Committee for a 2-year period. The Secretary has determined that the Committee is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Joyce, Designated Federal Officer, Wildlife Services, APHIS, 4700 River Road, Unit 87, Riverdale, MD 20737; (301) 851–3999.

SUPPLEMENTARY INFORMATION: The purpose of the National Wildlife Services Advisory Committee (the Committee) is to advise the Secretary of Agriculture on policies, program issues, and research needed to conduct the Wildlife Services program. The Committee also serves as a public forum enabling those affected by the Wildlife Services program to have a voice in the program's policies.

Done in Washington, DC, this 2nd day of April 2014.

Gregory L. Parham,

Assistant Secretary for Administration.

[FR Doc. 2014–07849 Filed 4–7–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–105–2013]

Foreign-Trade Zone 289—Ontario County, New York, Authorization of Production Activity, Crosman Corporation, (Airguns), Bloomfield and Farmington, New York

On December 4, 2013, Crosman Corporation submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facilities within Subzone 289A, in Bloomfield and Farmington, New York.

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 75331, 12–11–2013). 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: April 3, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–07831 Filed 4–7–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Final Results of the Fourth Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce (''Department'') published its

Preliminary Results of the fourth administrative review of the antidumping duty order on certain steel nails from the People's Republic of China (''PRC'') on September 16, 2013.[1] The period of review (''POR'') is August 1, 2011, through July 31, 2012. We gave interested parties an opportunity to comment on the *Preliminary Results.* Based upon our analysis of the comments received, we made changes to the margin calculations for these final results. The final dumping margins are listed below in the ''Final Results of the Review'' section of this notice.

DATES: *Effective Date:* April 8, 2014.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos or Matthew Renkey, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2243 or (202) 482–2312, respectively.

SUPPLEMENTARY INFORMATION:

Background

After the *Preliminary Results,* parties submitted surrogate value (''SV'') comments and rebuttal comments on October 31, 2013, and November 12, 2013, respectively. Parties also submitted case and rebuttal briefs on issues not relating to JISCO[2] on December 18, 2013, and December 23, 2013, respectively. Between January 6, 2014, and January 11, 2014, we conducted a verification of JISCO and subsequently issued our verification report.[3]

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[4] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[5] On January 23, 2014, the Department extended the deadline in this proceeding by 60 days.[6] The revised deadline for the final results of this review is now March 31, 2014.

Scope of the Order

The merchandise covered by the order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 7317.00.55, 7317.00.65 and 7317.00.75. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

For a full description of the scope, *see* ''Certain Steel Nails from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the Fourth Antidumping Duty Administrative Review,'' dated concurrently with this notice (''Issues and Decision Memorandum'').

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties are addressed in the Issues and Decision Memorandum, which is hereby adopted by this Notice. A list of the issues which parties raised is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (''CRU''), Room 7046 of the main Department of Commerce building, as well as electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://trade.gov/enforcement/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Determination of No Reviewable Transactions

In the *Preliminary Results,* the Department determined that nine companies had no shipments of subject merchandise to the United States during the POR.[7] As we stated in the *Preliminary Results,* based on contrary information from U.S. Customs and Border Protection (''CBP'') regarding CPI's and Mingguang Abundant's no shipments claims, we issued supplemental questionnaires to these two companies. CPI responded to our supplemental questionnaire,[8] while Mingguang Abundant did not.[9] The Department continues to find that CPI had no shipments during the POR, and addresses this issue in further detail in Comment 10 of the Issues and Decision Memorandum. Because Mingguang Abundant did not respond to our supplemental questionnaire to address evidence contrary to its no shipments claim, and because it did not submit a separate rate application or certification, we are treating it as part of the PRC-wide entity for the final results of this review, and this issue is addressed in further detail in Comment 11 of the Issues and Decision Memorandum. The Department did not receive any comments or information which indicated that the other seven No Shipment Respondents made sales of subject merchandise to the United States during the POR. Therefore, consistent with the Department's refinement to its assessment practice in nonmarket economy (''NME'') cases, the Department finds that it is appropriate not to rescind the review in these circumstances, but, rather, to complete the review with respect to these seven companies and issue appropriate instructions to CBP based on the final results of the review.[10]

[1] *See Certain Steel Nails From the People's Republic of China: Preliminary Results of the Fourth Antidumping Duty Administrative Review,* 78 FR 56861 (September 16, 2013) (''*Preliminary Results*'').

[2] Qingdao JISCO Co., Ltd. and ECO System Corporation (d/b/a JISCO Corporation) (collectively, ''JISCO'')

[3] *See* Memorandum to the File, from Javier Barrientos, Senior Case Analyst, Office V, and Susan Pulongbarit, Senior Case Analyst, Office V, ''Verification of the Sales and Factors of Production of Qingdao JISCO Co., Ltd.; JISCO Corporation & ECO System Co., Ltd (collectively, ''JISCO'') in the Antidumping Duty Review of Certain Steel Nails from the People's Republic of China (''PRC''),'' dated February 19, 2014.

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

[5] *See Notice of Clarification: Application of ''Next Business Day''* Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended, 70 FR 24533, 24533 (May 10, 2005).

[6] *See* Memorandum to Gary Taverman, ''Certain Steel Nails from the People's Republic of China: Extension of Deadline for Final Results of the Fourth Antidumping Duty Administrative Review,'' dated January 23, 2014.

[7] *See Preliminary Results,* 78 FR at 56861, and accompanying Decision Memorandum at 3–4. These companies are: Besco Machinery Industry (Zhejiang) Co., Ltd.; Certified Products International Inc. (''CPI''); China Staple Enterprise (Tianjin) Co., Ltd. (''China Staple''); Jining Huarong Hardware Products Co., Ltd.; Mingguang Abundant Hardware Products Co., Ltd. (''Mingguang Abundant''); PT Enterprise Inc.; Shanghai Jade Shuttle Hardware Tools Co., Ltd.; Shanghai Tengyu Hardware Tools Co., Ltd.; and Shanxi Yuci Broad Wire Products Co., Ltd., collectively ''No Shipment Respondents.''

[8] *See* CPI's no shipments supplemental questionnaire response, dated October 18, 2013.

[9] *See* Memorandum to the File from Javier Barrientos, Senior Case Analyst, ''Documentation of Non-Response to No Shipments Supplemental Questionnaire,'' dated March 31, 2014.

[10] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76

Continued

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we made certain revisions to the margin calculations for the individually-reviewed respondents, Stanley [11] and JISCO.[12] For a list of all issues addressed in these final results, please refer to the Appendix accompanying this notice.

Final Results of the Review

The final antidumping duty margins for the POR are as follows:

Exporter	Weighted-average margin (percent)
(1) Stanley	3.92
(2) JISCO	41.91
(3) Cana (Tianjin) Hardware Industrial Co., Ltd	10.42
(4) Chiieh Yung Metal Ind. Corp	10.42
(5) Dezhou Hualude Hardware Products Co., Ltd	10.42
(6) Hebei Cangzhou New Century Foreign Trade Co., Ltd	10.42
(7) Huanghua Jinhai Hardware Products Co., Ltd	10.42
(8) Huanghua Xionghua Hardware Products Co., Ltd	10.42
(9) Nanjing Yuechang Hardware Co., Ltd	10.42
(10) Qingdao D&L Group Ltd	10.42
(11) SDC International Australia Pty., Ltd	10.42
(12) Shandong Dinglong Import & Export Co., Ltd	10.42
(13) Shandong Oriental Cherry Hardware Group Co., Ltd	10.42
(14) Shandong Oriental Cherry Hardware Import and Export Co., Ltd	10.42
(15) Shanghai Curvet Hardware Products Co., Ltd	10.42
(16) Shanghai Yueda Nails Industry Co., Ltd	10.42
(17) Shanxi Hairui Trade Co., Ltd	10.42
(18) Shanxi Pioneer Hardware Industrial Co., Ltd	10.42
(19) Shanxi Tianli Industries Co., Ltd	10.42
(20) S-Mart (Tianjin) Technology Development Co., Ltd	10.42
(21) Suntec Industries Co., Ltd	10.42
(22) Suzhou Xingya Nail Co., Ltd	10.42
(23) Tianjin Jinchi Metal Products Co., Ltd	10.42
(24) Tianjin Jinghai County Hongli Industry & Business Co., Ltd	10.42
(25) Tianjin Lianda Group Co., Ltd	10.42
(26) Tianjin Universal Machinery Imp & Exp Corporation	10.42
(27) Tianjin Zhonglian Metals Ware Co., Ltd	10.42
(28) Xi'an Metals & Minerals Import and Export Co., Ltd	10.42
(29) Zhejiang Gem-Chun Hardware Accessory Co., Ltd	10.42
PRC-Wide Rate [13]	118.04

Assessment Rates

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these final results of this review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales.[14] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the 27 separate rate companies that were not selected for individual review, we will assign an assessment rate based on the rate we calculated for the mandatory respondents whose rates were not *de minimis,* as discussed above. We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate.

The Department recently announced a refinement to its assessment practice in NME cases.[15] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the NME-wide rate. For a full discussion of

FR 65694 (October 24, 2011) (''*NME Antidumping Proceedings*'').

[11] The Stanley Works (Langfang) Fastening Systems Co., Ltd. (''Stanley Langfang''), and Stanley Black & Decker, Inc. (''SBD'') (collectively, ''Stanley'').

[12] *See* Stanley's Final Analysis Memorandum (''Stanley Final Analysis Memo'') and JISCO's Final Analysis Memorandum (''JISCO Final Analysis Memo''), both dated concurrently with this notice.

[13] *See* Appendix to the Issues and Decision Memorandum accompanying this notice for a list of the companies receiving the PRC-wide rate.

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

[15] *See NME Antidumping Proceedings.*

this practice, *see NME Antidumping Proceedings.*

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (''Act''): (1) For Stanley, JISCO, and the 27 separate rate companies, the cash deposit rate will be that established in the final results of this review; (2) for previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

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

Administrative Protective Order

This notice also serves as a reminder to parties subject to Administrative Protective Order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: March 31, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

General Issues

Comment 1: SV for Steel Wire Rod
Comment 2: Surrogate Financial Ratios
A. Selection of Surrogate Financial Companies
B. Adjustments to Ratios
Comment 3: SV for Welding Wire
Comment 4: Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Less-Than-Fair-Value Investigations
Comment 5: Consideration of an Alternative Comparison Method in Administrative Reviews
Comment 6: The Average-to-Transaction Method and the Denial of Offsets for Non-Dumped Sales
Comment 7: Differential Pricing Analysis
Comment 8: Whether the Department Properly Rejected Certain Information in Stanley's Rebuttal SV Submission

Company-Specific Issues

Comment 9: Whether the Department Properly Accepted Certain Information in One of Stanley's Supplemental Section C Responses
Comment 10: Correction of Errors in Stanley's Margin Calculation
A. VAT Tax Deduction
B. Movement Expenses
Comment 11: SV for Stanley's Plastic Beads
Comment 12: Whether to Include Certain of JISCO's Sales in the Margin Calculation
Comment 13: Treatment of Entries Misattributed to CPI That Entered under One of CPI's CBP Case Numbers
Comment 14: Treatment of Mingguang Abundant as Part of the PRC-Wide Entity
Comment 15: Treatment of China Staple as a No Shipments Company Rather than a Separate Rate Company

[FR Doc. 2014–07829 Filed 4–7–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0042]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense (Personnel and Readiness) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 9, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense (Personnel and Readiness), Department of Defense

Education Activity (Human Resources Regional Center), ATTN: Patti Ross, 4800 Mark Center Drive, Alexandria, VA 22350 or call at (571) 372–0787.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and Omb Number: Department of Defense Dependents Schools (DoDDS) Employment Opportunities for Educators; DoDEA Forms 5010, 5011, and 5013; OMB Control Number: 0704–0370.

Needs and Uses: This information collection requirement is necessary to obtain information on prospective applicants for educator positions with the Department of Defense Dependents Schools. The information is used to verify employment history of educator applicants and to determine creditable previous experience for pay-setting purposes on candidates selected for positions. In addition, the information is used to ensure that those individuals selected for employment with the Department of Defense Dependents Schools possess the abilities which give promise of outstanding success under the unusual circumstances they will find working abroad. Completion of all forms is entirely voluntary.

Affected Public: Individuals and households.

Annual Burden Hours: 22,500.

Number of Respondents: 54,000.

Responses per Respondent: 1.

Total Annual Responses: 54,000.

Average Burden per Response: 25 minutes.

Frequency: On occasion.

The primary objective of the information collection is to screen applicants for educational qualification and employment eligibility, to obtain pertinent evaluation information about an applicant to assist management in making a hiring decision, and to obtain applicant consent to obtain personal information from former employer about applicants' employment. The forms associated with this data collection include: (1) Department of Defense Dependents Schools Supplemental Application for Overseas Employment (DoDEA Form 5010). The primary objective of this voluntary form is to ascertain applicants' eligibility for educator positions. (2) Department of Defense Dependents Schools Professional Evaluation (DoDEA Form 5011). This form is provided to officials who served in managerial and supervisory positions above the applicant as a means of verifying abilities and qualifications of applicants for educator positions. (3) Department of Defense Dependents Schools Verification of Professional Educator Employment for Salary Rating Purposes (DoDEA Form 5013). The purpose of this voluntary form is to verify employment history of educator applicants and to determine creditable previous experience for pay-setting purposes. The paper forms and electronic data systems containing the sponsor and dependent personally identifying information are secured in accordance with the requirements of Federal law and implementing DoD regulations.

Dated: April 2, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–07768 Filed 4–7–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Regents, Uniformed Services University of the Health Sciences; Notice of Federal Advisory Committee Meeting

AGENCY: Uniformed Services University of the Health Sciences (USU); Department of Defense.

ACTION: Quarterly meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following meeting of the Board of Regents, Uniformed Services University of the Health Sciences (''the Board'').

DATES: Friday, May 16, 2014, from 8 a.m. to 1:30 p.m. (Open Session) and 1:30 p.m. to 2 p.m. (Closed Session).

ADDRESSES: Everett Alvarez Jr. Board of Regents Room (D3001), Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: S. Leeann Ori, Designated Federal Officer, 4301 Jones Bridge Road, D3011, Bethesda, Maryland 20814; telephone 301–295–3066; email *sherri.ori@usuhs.edu*.

SUPPLEMENTARY INFORMATION: This meeting notice is being published 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 purpose of the meeting is to review the operations of USU, particularly the academic affairs, and provide advice to the USU President and the Assistant Secretary of Defense for Health Affairs. These actions are necessary for the University to pursue its mission, which is to provide outstanding healthcare practitioners and scientists to the uniformed services, and to obtain institutional accreditation.

Agenda: The actions that will take place include the approval of minutes from the Board of Regents Meeting held on February 4, 2014; recommendations regarding the approval of faculty appointments and promotions; recommendations regarding the awarding of post-baccalaureate degrees as follows: Doctor of Medicine, Ph.D. in Nursing Science, Master of Science in Nursing, Master of Science in Oral Biology, and master's and doctoral degrees in the biomedical sciences and public health; and the approval of awards and honors. The USU President will provide a report on recent actions affecting academic and operations of the University; the President and CEO, Henry M. Jackson Foundation for the Advancement of Military Medicine will provide a summary of items related to the organization's affiliation with USU; the President, USU Alumni Association, will provide an update on significant activities within the organization; a presentation introducing the Board to the Infectious Disease Clinical Research Program will be provided; and USU officials will provide various academic and administrative information. A closed session will be held to discuss personnel actions and active investigations.

Meeting Accessibility: Pursuant to Federal statute and regulations (5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 8:00 a.m. to 1:30 p.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact S. Leeann Ori at the address and phone number noted in the **FOR FURTHER INFORMATION CONTACT** section.

Pursuant to 5 U.S.C. 552b(c)(2, 5–7) the Department of Defense has determined that the portion of the meeting from 1:30 p.m. to 2:00 p.m. shall be closed to the public. The Acting Under Secretary of Defense (Personnel and Readiness), in consultation with the Office of the DoD General Counsel, has determined in writing that a portion of the committee's meeting will be closed as the discussion will disclose sensitive personnel information, will include matters that relate solely to the internal personnel rules and practices of the agency, will involve accusing a person of a crime or censuring an individual, and may disclose investigatory records compiled for law enforcement purposes.

Written Statements: Interested persons may submit a written statement for consideration by the Board. Individuals submitting a written statement must submit their statement to the Designated Federal Officer at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. If such statement is not received at least 5 calendar days prior to the meeting, it may not be provided to or considered by the Board of Regents until a later date. The Designated Federal Officer will compile all timely submissions with the Board's Chairman and ensure such submissions are provided to Board Members before the meeting.

Dated: April 3, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–07813 Filed 4–7–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2014–0006]

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 9, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Headquarters (HQ) Air Mobility Command (AMC), Mobility Air Forces (MAF) Programs Division, In-Transit Visibility (ITV)/Business Systems, Global Air Transportation Execution System (GATES) (HQ AMC/A6IB), ATTN: Mr. Cedric Mitchell, Scott AFB IL 62225–5223, or call HQ AMC/A6IB GATES Program Manager, at 618–256–6729.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; And OMB Number: Global Air Transportation Execution System; OMB Control Number 0701–XXXX.

Needs And Uses: The information collection requirement is necessary to develop billing data for use by the user Military Services or other organizations; manifest human remains; determine passenger movement trends; forecast future travel requirements; identify, research, and resolve transportation-related problems; notify foreign countries of personnel and equipment arrivals; manifest passengers; screen passengers for customs, immigration, and transportation security purposes; and, manifest and create records relating to the transportation of personal property and human remains.

Affected Public: General public, Federal personnel and or Federal contractors.

Annual Burden Hours: 15,382.

Number of Respondents: 184,589.

Responses per Respondent: 1.

Total Annual Responses: 184,589.

Average Burden Per Response: 5 minutes.

Frequency: On Occasion.

Respondents are general public, Federal personnel and contractors who request aircraft transportation. The request is accomplished in the GATES software application which notifies the appropriate agencies for transportation approval. The information is maintained in the GATES database until the request is processed and then is archived to a historical database forever. If the not provided the individual will be denied access to board an aircraft for transportation. Federal law requires the passenger screening process for all personnel boarding an aircraft.

Dated: April 3, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–07827 Filed 4–7–14; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2014–0007]

Proposed Collection; Comment Request

AGENCY: Defense Forensics and Biometrics Agency, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Defense Forensics and Biometrics Agency (DFBA), announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 9, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Forensics and Biometrics Agency (DFBA), ATTN: Plans and Policy Division Chief, 2800 Army Pentagon, Washington, DC 20310–2800, or call (703) 571–0506.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; And Omb Number: Defense Biometric Identification Records System; OMB Control Number 0702–XXXX.

Needs And Uses: The information collection requirement for the Defense Biometric Identification Records System (IT System name DoD Automated Biometric Identification System (ABIS)/Biometric Enabling Capability (BEC)) is necessary to support the DoD, FBI, DHS, other government agencies, and approved international partners for intelligence, force protection, national security, and law enforcement purposes.

Affected Public: Federal Government, Individuals or households.

Annual Burden Hours: 208,000 (964,018 since system creation).

Number of Respondents: 11,568,220 (total records in the system).

Responses per Respondent: 1.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

The DoD ABIS matches and stores biometric data collected by global U.S. forces during the course of military operations. Data may also be collected for use in field identification and recovery of persons, or their physical remains, who have been captured, detained, missing, prisoners of war (POW), or personnel recovered from hostile control.

Records in the system pertain to military operations conducted by all Combatant Commands (COCOMs) across the globe. Individuals covered include members of the U.S. Armed Forces; Department of Defense (DoD) civilian and contractor personnel; military reserve, Army and Air National Guard personnel; and other individuals requesting access to U.S. installations and facilities. DoD has used the information collected and processed to the Terrorist Screening Center to place individuals on National Watchlists. Without this collection, matching, and sharing of biometric and associate contextual information there would be grave implications to National Security and security of our forces deployed abroad.

Dated: April 3, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–07822 Filed 4–7–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before June 9, 2014. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to: Joseph Whitford, U.S. Department of Energy, Printing Team Leader, MA–42, 1000 Independence Ave. SW., Washington, DC 20585; or by fax at (202) 586–0753 or by email at *joseph.whitford@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Joseph Whitford at the address listed above.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910–0100; (2) Information Collection Request Title: Printing and Publishing Activities; (3) Type of Review: Renewal; (4) Purpose: The Congressional Joint Committee on Printing requires the Department to collect this data. The Department reports on information gathered and compiled from its facilities nation-wide on the usage of in-house printing and duplicating activities as well as all printing production from external Government Printing Office (GPO) and GPO vendors; (5) Annual Estimated Number of Respondents: 156; (6) Annual Estimated Number of Total Responses: 156 (7) Annual Estimated Number of Burden Hours: 1,530; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: No costs associated with record keeping.

Authority: This information is reported to the Congressional Joint Committee on Printing pursuant to its regulations. Joint Committee on Printing, Government Printing and Binding Regulations, Title IV, Rules 48–55 (Feb. 1990), in S. Pub. No. 101–9, 101st Cong., 2d Sess., at 27–29 (1990).

Issued in Washington, DC, on April 2, 2014.

Joseph Whitford,

Printing Team Leader, Office of Administrative Management and Support.

[FR Doc. 2014–07858 Filed 4–7–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket No. EERE–2014–BT–NOA–0016]

Physical Characterization of Smart and Grid-Connected Commercial and Residential Buildings End-Use Equipment and Appliances

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

ACTION: Notice of public meeting and request for comment.

SUMMARY: The U.S. Department of Energy (DOE) is soliciting comment and data from the public on a variety of issues related to the physical characterization of smart and grid-connected commercial and residential buildings end-use equipment and appliances. To inform interested parties and to facilitate this data-gathering process, DOE will hold a public meeting for stakeholders to discuss issues concerning the physical characterization of grid-connected commercial and residential buildings end-use equipment and appliances, including but not limited to processes and metrics for measurement, identification of grid and building services that can be provided, and identification of values and benefits of grid connectivity. The public meeting will also allow DOE to gather input on topics related to grid-connected equipment, allow stakeholder groups to engage, and provide an opportunity to allow interested parties to provide published work and studies related to these issues. DOE also welcomes written comments from the public on any subject relevant to this proceeding (including topics not raised in this notice).

DATES: *Meeting:* DOE will hold a public meeting on April 30, 2014, from 8:30 a.m. to 4:30 p.m., Mountain Standard Time, in Golden, Colorado.

Comments: DOE will accept written comments, data, and information regarding the physical characterization of smart and grid-connected commercial and residential buildings end-use equipment and appliances before and after the public meeting, but no later than Friday, May 23, 2014 at 5:00 p.m., Eastern Standard Time.

ADDRESSES: Unless otherwise specified in a subsequent **Federal Register** notice and official email, the public meeting will be held in the San Juan Room Conference Room of the Research Support Facility, on the South Table Mountain Campus of the Department of Energy's National Renewable Energy Laboratory (NREL), 15013 Denver West Parkway, Golden, CO 80401. For information on visiting NREL, see the following Web site: *http://www.nrel.gov/about/golden.html.* Please note admittance instructions in section II., Public Participation, under the **SUPPLEMENTARY INFORMATION** section of this notice.

Interested parties are encouraged to submit comments electronically. However, comments may be submitted by any of the following methods:

- *Email: ConnectedBuildings2014NOA0016@ee.doe.gov.* Include docket number EERE–2014–BT–NOA–0016 in the subject line of the message. All comments should clearly identify the name, address, and, if appropriate, organization of the commenter. 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:* Mr. Joseph Hagerman, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, EERE–2014–BT–NOA–0016, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies. (Please note that comments sent by mail are often delayed and may be damaged by mail screening processes.)
- *Hand Delivery/Courier:* Mr. Joseph Hagerman, U.S. Department of Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Instructions: All submissions received must include the agency name and docket number for this public meeting. No telefacsimilies (faxes) will be accepted.

For information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Brenda Edwards at (202) 586–2945 or by email: *brenda.edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Hagerman, U.S. Department of Energy, Office of Building Technologies (EE–5B), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: (202) 586–4549. Email: *joseph.hagerman@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Issues on Which DOE Seeks Comment

In order to gather information on the physical characterization of smart and grid-connected commercial and residential buildings equipment and appliances, DOE is holding a public meeting on April 30, 2014 at DOE's NREL South Table Mountain Campus in Golden, Colorado. The agenda is expected to include the following discussion items:

- Examples of physical characterization of smart and grid-connected buildings equipment;
- Potential national value and benefits, and stakeholder value propositions, of smart and grid-connected buildings equipment;
- Candidate metrics to characterize smart and grid-connected buildings equipment;
- Potential frameworks for the characterization process;
- Other topics related to smart and grid-connected equipment that DOE should consider;
- Public input on key stakeholders DOE should engage; and
- Public input to identify reports, analyses, and case studies of which DOE should be aware.

Grid connected water heaters are subject to an ongoing rulemaking proceeding and will not be discussed at the meeting.

Note that agenda items may change without notice. The final agenda will be posted on the DOE Web site at: *http://energy.gov/eere/buildings/buildings-grid-integration.*

DOE considers public participation very important in gathering information. Interactions with and among members of the public provide a balanced discussion of the issues and assist DOE in making objective determinations. DOE requests comment on the physical characterization of smart and grid-connected commercial and residential buildings equipment and appliances at the public meeting, or submitted in writing before or after the meeting, but no later than May 23, 2014. See the following section II for additional information on public participation.

II. Public Participation

At the meeting, approximately 150 seats will be available for the public. Pre-registration is required to attend the meeting. Visitors to the NREL site are required to pre-register to be admitted. Registration will be offered on a first come, first served basis; all participants must register by 5:00 p.m. Mountain Standard Time, April 25, 2014.

To register over the phone or through email, contact Marcia Fratello at (303) 384–7440 or *marcia.fratello@nrel.gov,* and provide your name, email address, and phone number. Foreign nationals must also obtain a foreign national data card from Ms. Fratello by 5:00 p.m. Mountain Standard Time, April 16, 2014.

Participation in the meeting is not a prerequisite for submission of written comments. DOE invites all interested parties to submit in writing by May 23, 2014, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of the physical characterization of smart and grid-connected commercial and residential

buildings equipment and appliances. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this notice.

Issued in Washington, DC, on April 2, 1014.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–07864 Filed 4–7–14; 8:45 am]

BILLING CODE6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2354–002.
Applicants: Midway-Sunset Cogeneration Company.
Description: Notice of Change of Status of Midway Sunset Cogeneration Company.
Filed Date: 3/31/14.
Accession Number: 20140331–5489.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER10–2645–001; ER10–3050–001; ER10–2831–001; ER10–3081–006; ER10–1530–002; ER10–3082–003; ER13–2106–002; ER10–1529–002; ER10–3052–001; ER10–3083–003; ER10–3053–001.
Applicants: Baconton Power LLC, Cabazon Wind Partners, LLC, Colorado Green Holdings LLC, Equilon Enterprises LLC, Llano Estacado Wind, LP, Motiva Enterprises LLC, NedPower Mount Storm LLC, Northern Iowa Windpower LLC, Rock River I, LLC, Shell Chemical LP, Whitewater Hill Wind Partners, LLC.
Description: Notice of Non-Material Change in Status of Baconton Power LLC, et al.
Filed Date: 3/31/14.
Accession Number: 20140331–5522.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER12–1571–002; ER10–2543–001; ER11–2159–002.
Applicants: Verso Bucksport LLC, Verso Androscoggin LLC, Verso Maine Energy LLC.
Description: Notice of Non-Material Change in Status of the Verso MBR Companies.
Filed Date: 3/31/14.
Accession Number: 20140331–5525.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER13–1430–001; ER13–1561–001; ER10–2755–002; ER10–2739–005.
Applicants: Arlington Valley Solar Energy II, LLC, Centinela Solar Energy, LLC, Las Vegas Power Company, LLC, LS Power Marketing, LLC.
Description: Supplement to June 28, 2013 Triennial Market Power Analysis for the Southwest Region of the LS Power Development, LLC subsidiaries.
Filed Date: 3/31/14.
Accession Number: 20140331–5520.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1205–001.
Applicants: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., PJM Interconnection, L.L.C.
Description: ComEd submits compliance filing per 3/19/2014 Order in ER14–1205 to be effective 3/31/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5446.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1394–000.
Applicants: PJM Interconnection, L.L.C.
Description: Errata to Transmittal Letter in Docket No. ER14–1394–000 to be effective N/A.
Filed Date: 4/1/14.
Accession Number: 20140401–5208.
Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: ER14–1610–000.
Applicants: East Kentucky Power Cooperative, Inc.
Description: Petition of East Kentucky Power Cooperative for Limited Waiver of PJM Interconnection, L.L.C. Open Access Transmission Tariff and Request for Expedited Action.
Filed Date: 3/28/14.
Accession Number: 20140328–5322.
Comments Due: 5 p.m. ET 4/7/14.

Docket Numbers: ER14–1618–000.
Applicants: Mega Energy of New England, LLC.
Description: Mega Energy of New England, LLC submits a notice of cancellation of its market-based rate tariff.
Filed Date: 3/31/14.
Accession Number: 20140331–0001.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1626–000.
Applicants: Constellation NewEnergy, Inc.
Description: Revised Market-Based Rate Tariff to be effective 3/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5435.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1627–000.
Applicants: Constellation Energy Commodities Group Maine, LLC.
Description: Revised Market-Based Rate Tariff to be effective 3/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5442.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1628–000.
Applicants: Southwest Power Pool, Inc.
Description: 2014 Southwestern Power Administration Amendatory Agreement to be effective 3/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5445.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1629–000.
Applicants: Pacific Gas and Electric Company.
Description: Amedment to BART NITSA to be effective 4/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5449.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1630–000.
Applicants: Mantua Creek Solar, LLC.
Description: Mantua Creek Solar, LLC Application for Market-Based Rates to be effective 4/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5459.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1631–000.
Applicants: Pacific Gas and Electric Company.
Description: CCSF IA—2014 Annual Adjustment to Traffic Light Costs to be effective 2/1/2014.
Filed Date: 4/1/14.
Accession Number: 20140401–5001.
Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: ER14–1632–000.
Applicants: Public Service Company of New Mexico.
Description: Modification of Real Power Loss Factor in OATT to be effective 6/1/2014.
Filed Date: 4/1/14.
Accession Number: 20140401–5109.
Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: ER14–1633–000.
Applicants: Public Service Company of New Mexico.
Description: Modification of Real Power Loss Factor GFA to be effective 6/1/2014.
Filed Date: 4/1/14.
Accession Number: 20140401–5110.
Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: ER14–1634–000.
Applicants: California Independent System Operator Corporation.
Description: 2014–04–01—TCAAmendment to be effective 6/1/2014.
Filed Date: 4/1/14.
Accession Number: 20140401–5192
Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: ER14–1635–000.
Applicants: PacifiCorp.
Description: OATT Revised Attachment H–1 (Rev Depreciation Rates 2014) to be effective 6/1/2014.

Filed Date: 4/1/14.
Accession Number: 20140401–5215.
Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: ER14–1636–000.
Applicants: Otter Tail Power Company.
Description: Revisions to Market-Based Rate Tariff to Clarify Category Status to be effective 6/1/2014.
Filed Date: 4/1/14.
Accession Number: 20140401–5248.
Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: ER14–1637–000.
Applicants: Public Service Company of Colorado.
Description: Public Service Company of Colorado 2013 Production Formula Rate Charges and Transmission Formula Rate Charges for Post-Retirement Benefits Other than Pensions.
Filed Date: 4/1/14.
Accession Number: 20140401–5254.
Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: ER14–1638–000.
Applicants: New England Power Pool Participants Committee.
Description: April 2014 Membership Filing to be effective 3/1/2014.
Filed Date: 4/1/14.
Accession Number: 20140401–5262.
Comments Due: 5 p.m. ET 4/22/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–32–000.
Applicants: American Transmission Company LLC, ATC Management Inc.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of American Transmission Company LLC, et. al.
Filed Date: 4/1/14.
Accession Number: 20140401–5154.
Comments Due: 5 p.m. ET 4/22/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 1, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–07807 Filed 4–7–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–60–004.
Applicants: Progress Energy, Inc., Duke Energy Corporation.
Description: Duke Energy Corporation's response to March 4, 2014 letter requesting additional information.
Filed Date: 3/28/14.
Accession Number: 20140328–5282.
Comments Due: 5 p.m. ET 4/18/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2124–005.
Applicants: Spring Canyon Energy LLC.
Description: Supplement to December 24, 2013 Triennial Report of Spring Canyon Energy LLC.
Filed Date: 3/24/14.
Accession Number: 20140324–5143.
Comments Due: 5 p.m. ET 4/14/14.

Docket Numbers: ER10–2764–005.
Applicants: Vantage Wind Energy LLC.
Description: Supplement to December 30, 2013 Triennial Report for Northwest Region and Notice of Change in Facts of Vantage Wind Energy LLC.
Filed Date: 3/24/14.
Accession Number: 20140324–5141.
Comments Due: 5 p.m. ET 4/14/14.

Docket Numbers: ER10–3193–003*; ER11–2042–004; ER11–2041–004; ER10–2964–004; ER10–2924–003; ER10–2480–002; ER10–2959–004; ER10–2961–003; ER10–2934–003; ER12–281–005; ER10–3099–008; ER10–2950–003; ER13–821–004; ER10–2615–003; ER11–2335–004; ER10–2538–002; ER14–1317–002.*
Applicants: Brooklyn Navy Yard Cogeneration Partners, Seneca Energy II, LLC, Innovative Energy Systems, LLC, Selkirk Cogen Partners, L.P., Kleen Energy Systems, LLC, Berkshire Power Company, LLC, Chambers Cogeneration, Limited Partnership; Edgecombe Genco, LLC, Logan Generating Company, L.P., Northampton Generating Company, L.P., RC Cape May Holdings, LLC, Scrubgrass Generating Company, L.P., Spruance Genco, LLC, Plum Point Energy Associates, LLC, Plum Point Services Company, LLC, Panoche Energy Center, LLC, Sunshine Gas Producers, LLC.
Description: Notice of Non-Material Change in Status of EIF Management, LLC and the Notice Parties under ER10–3193, et. al.
Filed Date: 3/31/14.
Accession Number: 20140331–5276.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER13–342–003.
Applicants: CPV Shore, LLC.
Description: Supplement to January 23, 2014 Notice of Non-Material Change in Status of CPV Shore, LLC.
Filed Date: 3/12/14.
Accession Number: 20140312–5325.
Comments Due: 5 p.m. ET 4/2/14.

Docket Numbers: ER13–1758–000.
Applicants: San Joaquin Cogen, LLC.
Description: Second Supplement to June 24, 2013 San Joaquin Cogen, LLC Triennial & Tariff Revision filing.
Filed Date: 3/28/14.
Accession Number: 20140328–5323.
Comments Due: 5 p.m. ET 4/18/14.

Docket Numbers: ER14–693–003.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—EM BR 3–31–2014 to be effective 12/31/9998.
Filed Date: 3/31/14.
Accession Number: 20140331–5018.
Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–694–003.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—EM Beau 3–31–2014 to be effective 12/31/9998.
Filed Date: 3/31/14.
Accession Number: 20140331–5017.
Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–695–003.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Axiall 3–31–2014 to be effective 12/31/9998.
Filed Date: 3/31/14.
Accession Number: 20140331–5014.
Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–696–003.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Dow Plaq 3–31–2014 to be effective 12/31/9998.
Filed Date: 3/31/14.
Accession Number: 20140331–5015.
Comments Due: 5 p.m. ET 5/2/14

Docket Numbers: ER14–697–003.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Dow UC 3–31–2014 to be effective 12/31/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5016.
Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–699–003.

Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—ETEC 3–31–2014 to be effective 12/31/9998.
Filed Date: 3/31/14.
Accession Number: 20140331–5020.
Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–701–003.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—SRW Cogen 3–31–2014 to be effective 12/31/9998.
Filed Date: 3/31/14.
Accession Number: 20140331–5021.
Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–703–003.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Tenaska 3–31–2014 to be effective 12/31/9998.
Filed Date: 3/31/14.
Accession Number: 20140331–5022.
Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–704–003.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Sabine Cogen 3–31–2014 to be effective 12/31/9998.
Filed Date: 3/31/14.
Accession Number: 20140331–5019.
Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–964–001; ER14–964–000.
Applicants: Pleasant Valley Wind, LLC.
Description: Amendment to January 8, 2013 and January 10, 2013 Pleasant Valley Wind, LLC tariff filing.
Filed Date: 3/26/14.
Accession Number: 20140326–5175.
Comments Due: 5 p.m. ET 4/7/14.

Docket Numbers: ER14–965–000*; ER14–965–001.*
Applicants: Border Winds Energy, LLC.
Description: Amendment to January 8, 2013 and January 10, 2013 Border Winds Energy, LLC tariff filing.
Filed Date: 3/26/14.
Accession Number: 20140326–5176.
Comments Due: 5 p.m. ET 4/7/14.

Docket Numbers: ER14–1317–001.
Applicants: Sunshine Gas Producers, LLC.
Description: Amendment to Application for Market-Based Rate Authority to be effective 4/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5138.
Comments Due: 5 p.m. ET 4/18/14.

Docket Numbers: ER14–1472–001.
Applicants: Public Service Company of Colorado.
Description: 2014–3–31_PSC–WAPA–T-Poncha-PA–358–0.0.1 to be effective 2/24/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5096.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1582–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–03–28_ATC D–T Update Batch 1 Supplement to be effective N/A.
Filed Date: 3/28/14.
Accession Number: 20140328–5169.
Comments Due: 5 p.m. ET 4/18/14.

Docket Numbers: ER14–1609–000.
Applicants: PJM Interconnection, L.L.C.
Description: Revisions to PJM OATT Att DD re Transition Mechanism re Gen. Seasonal Testing to be effective 6/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5245.
Comments Due: 5 p.m. ET 4/18/14.

Docket Numbers: ER14–1611–000.
Applicants: Duke Energy Florida, Inc.
Description: Rate Schedule No. 150 NOS Filing to be effective 6/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5139.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1612–000.
Applicants: Las Vegas Power Company, LLC.
Description: Notice of Cancellation to be effective 3/27/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5149.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1613–000.
Applicants: Southwest Power Pool, Inc.
Description: 2198R16 Kansas Power Pool NITSA NOA to be effective 3/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5152.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1614–000.
Applicants: NorthWestern Corporation.
Description: SA 713–S and N Concrete Construction Agreement to be effective 4/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5156.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1615–000.
Applicants: Duke Energy Indiana, Inc.
Description: 2014 Annual Reconciliation Filing RS 253 to be effective 7/1/2013.
Filed Date: 3/31/14.
Accession Number: 20140331–5167.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1616–000.
Applicants: NorthWestern Corporation.
Description: SA 711 712—Unexecuted Transmission Service Agreements with Gaelectric to be effective 5/31/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5192.
Comments Due: 5 p.m. ET 4/21/14

Docket Numbers: ER14–1617–000.
Applicants: Rock River I, LLC.
Description: 3rd Revised MBR to be effective 4/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5226.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1619–000.
Applicants: Cottonwood Energy Company LP.
Description: Proposed Rate Schedule FERC No. 1 to be effective 6/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5270.
Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1620–000.
Applicants: AEP Generation Resources Inc.
Description: Ohio Power Supply Agreement Amendment No. 2 to be effective 1/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5271.
Comments Due: 5 p.m. ET 4/21/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–31–000.
Applicants: ISO New England Inc.
Description: Application of ISO New England Inc. under Section 204 of the Federal Power Act for An Order Authorizing Future Drawdowns Under Existing Authorized Securities.
Filed Date: 3/31/14.
Accession Number: 20140331–5229.
Comments Due: 5 p.m. ET 4/21/14.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA14–2–000.
Applicants: New York Independent System Operator, Inc.
Description: Annual Compliance Report Regarding Unreserved Use and Late Study Penalties of the New York Independent System Operator, Inc.
Filed Date: 3/31/14.
Accession Number: 20140331–5221.
Comments Due: 5 p.m. ET 4/21/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing

requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 31, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–07789 Filed 4–7–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–653–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Negotiated Rates Trenton Woodbury to be effective 4/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5070.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–654–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Negotiated Rates—Cherokee AGL—Replacement Shippers—Apr 2014 to be effective 4/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5083.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–655–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: Non-Conforming Agreement Filing (Conoco FT276) to be effective 5/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5095.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–656–000.
Applicants: Rockies Express Pipeline LLC.
Description: Incidental Purchases and Sales Report.
Filed Date: 3/28/14.
Accession Number: 20140328–5130.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–657–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Integrys Energy Negotiated Rate to be effective 4/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5211.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–658–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Negotiated Rates Marketlink to be effective 4/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5246.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–659–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 03/28/14 Negotiated Rates—United Energy Trading, LLC (RTS) 5095–23 to be effective 4/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5249.
Comments Due: 5 p.m. ET 4/9/14.
Docket Numbers: RP14–660–000.
Applicants: Tallgrass Interstate Gas Transmission, L.
Description: Neg Rate 2014–03–28 Valero/Aventine/Misc to be effective 4/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5258.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–661–000.
Applicants: Rockies Express Pipeline LLC.
Description: Neg Rate 2014–03–28 EOG, Encana NC NRA to be effective 4/1/2014.
Filed Date: 3/28/14.
Accession Number: 20140328–5268.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–662–000.
Applicants: Northern Border Pipeline Company.
Description: Compressor Usage Surcharge 2014 to be effective 5/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5072.
Comments Due: 5 p.m. ET 4/14/14.

Docket Numbers: RP14–663–000.
Applicants: Northern Border Pipeline Company.
Description: BP Canada Energy to be effective 4/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5073.
Comments Due: 5 p.m. ET 4/14/14.

Docket Numbers: RP14–664–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Cap Rel Neg Rate Agmts (Vanguard 598, 597 to Tenaska 1350, 1351) to be effective 4/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5078.
Comments Due: 5 p.m. ET 4/14/14.

Docket Numbers: RP14–665–000.
Applicants: Texas Gas Transmission, LLC.
Description: Neg Rate Agmt Filing (Anadarko 21939) to be effective 4/1/2014.
Filed Date: 3/31/14.
Accession Number: 20140331–5079.
Comments Due: 5 p.m. ET 4/14/14.

Docket Numbers: RP14–666–000.
Applicants: Bison Pipeline LLC.
Description: Bison Pipeline LLC Company Use Gas Annual Report..
Filed Date: 3/31/14.
Accession Number: 20140331–5085.
Comments Due: 5 p.m. ET 4/14/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP08–350–007.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Southern Star Central Gas Pipeline, Inc. Annual Report—Non-HCA Pipeline and Storage Lateral Integrity Expenses.
Filed Date: 3/28/14.
Accession Number: 20140328–5054.
Comments Due: 5 p.m. ET 4/9/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 31, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–07792 Filed 4–7–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2822–005; ER11–2462–004; ER11–2463–004;

ER11–2464–004; ER11–2465–004; ER10–2994–009; ER11–2466–004; ER11–2467–004; ER11–2468–004; ER11–2469–004; ER11–2470–004; ER11–2471–004; ER11–2472–004; ER11–2473–004; ER11–2196–005; ER11–2474–006; ER11–2475–004.

Applicants: Iberdrola Renewables, LLC, Atlantic Renewable Projects II LLC, Big Horn Wind Project LLC, Big Horn II Wind Project LLC, Colorado Green Holdings LLC, Hay Canyon Wind LLC, Juniper Canyon Wind Power LLC, Klamath Energy LLC, Klamath Generation LLC, Klondike Wind Power LLC, Klondike Wind Power II LLC, Klondike Wind Power III LLC, Leaning Juniper Wind Power II LLC, Pebble Springs Wind LLC, San Luis Solar LLC, Star Point Wind Project LLC, Twin Buttes Wind LLC.

Description: Supplement to December 20, 2013 Updated Market Power Analysis for the Northwest Region of the Iberdrola MBR Sellers.

Filed Date: 3/28/14.

Accession Number: 20140328–5064.

Comments Due: 5 p.m. ET 4/18/14.

Docket Numbers: ER14–700–003.

Applicants: Entergy Services, Inc.

Description: EES LBA Agreement Refile—Oxy 3–31–2014 to be effective 12/31/2014.

Filed Date: 3/31/14.

Accession Number: 20140331–5444.

Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–702–003.

Applicants: Entergy Arkansas, Inc.

Description: EAI LBA Agmt Refile—Calpine PB 3–31–2014 to be effective 12/31/9998.

Filed Date: 3/31/14.

Accession Number: 20140331–5274.

Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1135–002.

Applicants: Renewable Power Direct, LLC.

Description: Original Volume No. 1 to be effective 4/1/2014.

Filed Date: 3/31/14.

Accession Number: 20140331–5341.

Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1621–000.

Applicants: Verso Androscoggin LLC.

Description: Androscoggin—Notice of Change in Seller Category Status and Amendments to be effective 4/1/2014.

Filed Date: 3/31/14.

Accession Number: 20140331–5321.

Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1622–000.

Applicants: Verso Bucksport LLC.

Description: Bucksport—Notice of Change in Seller Category Status and Amendments to be effective 4/1/2014.

Filed Date: 3/31/14.

Accession Number: 20140331–5323.

Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1623–000.

Applicants: Verso Maine Energy LLC.

Description: Maine—Notice of Change in Seller Category Status and Amendments to be effective 4/1/2014.

Filed Date: 3/31/14.

Accession Number: 20140331–5325.

Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1624–000.

Applicants: Mississippi Power Company.

Description: Mississippi Power Company submits tariff filing per 35.13(a)(1): MRA 25 Rate Case Filing to be effective 5/1/2014.

Filed Date: 3/31/14.

Accession Number: 20140331–5412.

Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1625–000.

Applicants: Exelon Generation Company, LLC.

Description: Exelon Generation Company, LLC submits tariff filing per 35: Revised Market-Based Rate Tariff to be effective 3/1/2014.

Filed Date: 3/31/14.

Accession Number: 20140331–5429.

Comments Due: 5 p.m. ET 4/21/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 31, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–07790 Filed 4–7–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–647–000.

Applicants: TC Offshore LLC.

Description: TC Offshore LLC Transporter's Use Report for Calendar Year 2013.

Filed Date: 3/27/14.

Accession Number: 20140327–5074.

Comments Due: 5 p.m. ET 4/8/14.

Docket Numbers: RP14–648–000.

Applicants: Elba Express Company, L.L.C.

Description: 2013 Annual Interruptible Revenue Crediting Report.

Filed Date: 3/27/14.

Accession Number: 20140327–5163.

Comments Due: 5 p.m. ET 4/8/14.

Docket Numbers: RP14–649–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: Negotiated Rate—Tenaska to be effective 4/1/2014.

Filed Date: 3/28/14.

Accession Number: 20140328–5004.

Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–650–000.

Applicants: ANR Pipeline Company.

Description: DTCA 2014 to be effective 5/1/2014.

Filed Date: 3/28/14.

Accession Number: 20140328–5017.

Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–651–000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: Flow Through of Penalty Revenues Report filed on 3–28–14.

Filed Date: 3/28/14.

Accession Number: 20140328–5029.

Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–652–000.

Applicants: Vector Pipeline L.P.

Description: 2014 Annual Fuel Use Report of Vector Pipeline L.P.

Filed Date: 3/28/14.

Accession Number: 20140328–5033.

Comments Due: 5 p.m. ET 4/9/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP13–1041–002.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 03/27/14 Reservation Charge Credit Correction to be effective 1/1/2014.

Filed Date: 3/27/14.

Accession Number: 20140327–5164.

Comments Due: 5 p.m. ET 4/8/14.

Docket Numbers: RP13–1245–002.

Applicants: Gulf South Pipeline Company, LP.

Description: Compliance filing in Docket No. RP13–1245–000 to be effective 4/1/2014.

Filed Date: 3/27/14.

Accession Number: 20140327–5102.

Comments Due: 5 p.m. ET 4/8/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR § 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 28, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–07791 Filed 4–7–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–1630–000]

Mantua Creek Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Mantua Creek Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is April 21, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 1, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–07793 Filed 4–7–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9909–14–Region–6]

Notice of Decision To Issue Clean Air Act Greenhouse Gas PSD Permit for the La Paloma Energy Center

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final agency action.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) Region 6 issued a final permit decision for a Clean Air Act Greenhouse Gas (GHG) Prevention of Significant Deterioration (PSD) permit (PSD–TX–1288–GHG) for the La Paloma Energy Center, LLC, for the construction of the La Paloma Energy Center (LPEC).

DATES: EPA Region 6 issued a final PSD permit decision for the LPEC on March 21, 2014. The PSD permit for the LPEC became final and effective on March 21, 2014. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this final permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Fifth Circuit within 60 days of [insert date of publication].

ADDRESSES: Documents relevant to the above-referenced permit are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Ste. 1200, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, Air Permits Section (6PD–R), U.S. Environmental Protection Agency, Region 6, (214) 665–7596, *wilson.aimee@epa.gov.* Key portions of the administrative record for this decision (including the final permit, all public comments, EPA's responses to the public comments, and additional supporting information) are available through a link at Region 6's Web site, *http://yosemite.epa.gov/r6/Apermit.nsf/AirP.* Anyone who wishes to review the EPA Environmental Appeals Board (EAB or Board) decision described below or documents in the EAB's electronic docket for its decision related to this matter can obtain them at *http://www.epa.gov/eab/.*

SUPPLEMENTARY INFORMATION: EPA Region 6 issued its final permit decision to La Paloma Energy Center, LLC, authorizing construction and operation of the LPEC, PSD Permit No. PSD–TX–1288–GHG, on March 21, 2014. EPA Region 6 initially issued a final PSD permit decision for greenhouse gases to LPEC on November 6, 2013. A commenter filed a petition for review of the Region's November 6, 2013, permit decision for the LPEC with the EPA EAB. On March 14, 2014, the Board issued an order denying review. See *In re La Paloma Energy Center,* PSD Appeal No. 13–10, slip op. at 34 (EAB Mar. 14, 2014), 16 E.A.D. __. Following denial of review, pursuant to 40 CFR 124.19(l)(2), EPA Region 6 issued a final permit decision to LPEC on March 21, 2014. All conditions of the LPEC GHG PSD permit, Permit No. PSD–TX–1288–GHG, became final and effective on March 21, 2014.

Dated: March 27, 2014.

William Luthans,

Acting Director, Multimedia Planning and Permitting Division, EPA Region 6.

[FR Doc. 2014–07812 Filed 4–7–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9909–22–ORD]

Environmental Laboratory Advisory Board Membership

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice Soliciting Nominations for Membership.

SUMMARY: The Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates to be considered for appointment to its Environmental Laboratory Advisory Board (ELAB). The ELAB is a multi-stakeholder federal advisory committee that provides independent advice and recommendations to the EPA Administrator, Science Advisor, and Forum on Environmental Measurements (FEM) about cross-agency environmental measurement issues that enhance EPA's existing capabilities, and facilitate the operation and expansion of national environmental measurement accreditation.

This notice solicits nominations to fill five–six (5–6) new vacancies. To maintain diverse representation, nominees will be selected from the following stakeholder work force sectors:

- Academia
- Business and industry
- Environmental laboratory commercial, municipal, small, other
- Environmental laboratory suppliers of services
- State and local Government agencies
- Tribal governments and indigenous groups
- Trade associations

Within these sectors, EPA is seeking nominees with knowledge in methods development; performance of environmental measurements; regulatory programs; quality systems; and environmental accreditation. To facilitate a diverse candidate pool, the agency encourages nominations of women and men of all racial and ethnic groups. All nominations will be fully considered.

Any interested person or organization may nominate qualified persons to be considered for appointment to this advisory committee. Individuals may self-nominate. Nominees should possess the following qualifications:

- Demonstrated experience with environmental measurement programs and environmental accreditation;
- Willingness to commit time to the committee, and demonstrated ability to work constructively and effectively on committees;
- Excellent interpersonal, oral and written communication, and consensus-building skills; and
- Ability to serve a 2-year appointment and volunteer approximately 5—7 hours per month to support the Board's activities.

DATES: Nominations should be received by April 18, 2014.

How to Submit Nominations: Nominations can be submitted in electronic format (preferred) to Ms. Lara P. Phelps, Designated Federal Officer, US EPA, MC E243–05, 109 T.W. Alexander Drive, Research Triangle Park, NC 27709, or email to *phelps.lara@epa.gov* and should be received by April 18, 2014 for October 2014 appointment. To be considered, all nomination packages should include:

- Current contact information for the nominee, including the nominee's name, organization (and position within that organization), current business address, email address, and daytime telephone number.
- Brief statement describing the nominee's interest in serving on the ELAB.
- Resume describing the professional and educational qualifications of the nominee, including a list of relevant activities, and any current or previous service on advisory committees.
- Letter(s) of recommendation from a third party supporting the nomination.

For further questions regarding this notice, please contact Lara P. Phelps at (919) 541–5544 or *phelps.lara@epa.gov*.

Dated: April 1, 2014.

Glenn Paulson,

EPA Science Advisor.

[FR Doc. 2014–07810 Filed 4–7–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communication Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 9, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0474.

Title: Section 74.1263, Time of Operation.

Form Number: N/A

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for profit entities; not-for-profit institutions.

Number of Respondents and Responses: 110 respondents; 110 responses.

Estimated Time per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 55 hours.

Total Annual Costs: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: 47 CFR 74.1263(c) requires licensees of FM translator or booster stations to notify the Commission of its intent to discontinue operations for 30 or more consecutive days. In addition, licensees must notify the Commission within 48 hours of the station's return to operation. 47 CFR Section 74.1263(d) requires FM translator or booster station licensees to notify the Commission of its intent to discontinue operations permanently and to forward the station license to the FCC for cancellation.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–07745 Filed 4–7–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before June 9, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov <mailto:PRA@fcc.gov>* and to *Cathy.Williams@fcc.gov <mailto:Cathy.Williams@fcc.gov>.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0029.

Title: Application for Construction Permit for Reserved Channel Noncommercial Educational Broadcast Station, FCC Form 340.

Form Number: FCC Form 340.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not for profit institutions and State, local or Tribal Government.

Number of Respondents and Responses: 2,765 respondents; 2,765 responses.

Estimated Time per Response: 1–6 hours.

Frequency of Response: On occasion reporting requirement and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 7,150 hours.

Total Annual Cost: $29,079,700.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 340 is used by licensees and permittees to apply for authority to construct a new noncommercial educational (''NCE'') FM and DTV broadcast station (including a DTS facility), or to make changes in the existing facilities of such a station. FCC Form 340 is only used if the station will operate on a channel that is reserved exclusively for NCE use, or in the situation where applications for NCE stations on non-reserved channels are mutually exclusive only with one another. Also, FCC Form 340 is used by Native American Tribes and Alaska Native Villages (''Tribes''), tribal consortia, or entities owned or controlled by Tribes when qualifying for the ''Tribal Priority'' under 47 CFR 73.7000, 73.7002.

FCC Form 340 also contains a third party disclosure requirement, pursuant to Section 73.3580. This rule requires a party applying for a new broadcast station, or making a major change to an existing station, to give local public notice of this filing in a newspaper of general circulation in the community in which the station is located. This local public notice must be completed within 30 days of tendering the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. In addition, a copy of this notice must be placed in the station's public inspection file along with the application, pursuant to Section 73.3527. This recordkeeping information collection requirement is contained in OMB Control No. 3060–0214, which covers Section 73.3527.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–07744 Filed 4–7–14; 8:45 am]

BILLING CODE 6712–01–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.: 012119–002.

Title: Maersk Line/CMA CGM TP5 Space Charter Agreement.

Parties: A.P. Moller-Maersk A/S and CMA CGM S.A.

Filing Parties: Wayne Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

Synopsis: The amendment extends the duration of the agreement.

Agreement No.: 201202–004.

Title: Oakland MTO Agreement.

Parties: Ports America Outer Harbor Terminal, LLC; Seaside Transportation Service LLC; SSA Terminals, LLC; SSA Terminals (Oakland), LLC; and Trapac, Inc.

Filing Party: David F. Smith, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

Synopsis: The amendment deletes Eagle Marine Services, Ltd. and Total Terminals International, LLC as parties to the agreement.

By Order of the Federal Maritime Commission.

Dated: March 28, 2014.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–07765 Filed 4–7–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Notice of Correction to Notice of Agreements Filed

The Commission hereby gives notice that the Notice of Agreements Filed, published on April 2, 2014, 79 FR 18550, was published in error and was a duplicate of a Notice published on March 27, 2014, 79 FR 17153. Interested parties who wish to submit comments on the agreements noticed should comply with the instructions in the March 27, 2014 notice.

Dated: April 2, 2014.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–07771 Filed 4–7–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 22, 2014.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Thomas K. Maxwell of Marinette, Wisconsin, individually and acting in concert with Thomas K. Maxwell II of Peshtigo, Wisconsin; Cheryl R. Maxwell of Marinette, Wisconsin; Edward F. Maxwell of Madison, Wisconsin; and Gary L. Maxwell of Milford, Indiana,* to retain control of F&M Bankshares, Inc., Marinette, Wisconsin, and thereby indirectly control Farmers & Merchants Bank & Trust, Marinette, Wisconsin.

Board of Governors of the Federal Reserve System, April 3, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–07841 Filed 4–7–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 1, 2014.

A. A. Federal Reserve Bank of Minneapolis (Jacqueline K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Stockman Financial Corporation,* Miles City, Montana; to acquire 100 percent of Big Sky Holding Company, Stanford, Montana, and thereby indirectly acquire Basin State Bank, Stanford, Montana.

Board of Governors of the Federal Reserve System, April 3, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–07842 Filed 4–7–14; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–QTF–2014–01; Docket No. 2014–0002: Sequence No. 4]

Alliant II and Alliant Small Business II Social Media Web site

AGENCY: Office of Strategic Programs, Office of Integrated Technology Service, General Services Administration.

ACTION: Notice.

SUMMARY: GSA launched a new social media community on *Interact.gsa.gov,* for its Government Wide Acquisition Contracts (GWACs), Alliant II and Alliant Small Business II on January 14, 2014.

DATES: April 8, 2014

FOR FURTHER INFORMATION CONTACT: Casey Kelley, Program Manager, Alliant GWAC, U.S. General Services Administration (GSA), at 858–414–8982, or via email *casey.kelly@gsa.gov.*

SUPPLEMENTARY INFORMATION: The Alliant community page, *https://interact.gsa.gov/group/alliant-ii-alliant-small-business-ii-gwacs,* on Interact will facilitate a transparent and open dialog about GSA's strategy for the next version of the Alliant GWACs by collecting input and feedback from federal agency customers and current and potential Alliant industry partners. Following the success of the OASIS Interact community in driving collaboration between GSA, federal agencies and the contractor community, the Alliant Interact community will serve as a forum for industry and government to gather comments on proposed strategies, discuss ideas, and work together to create the most effective and efficient next-generation Alliant GWACs from GSA.

Creating this feedback channel for industry and government to work in partnership with GSA in the creation of the next generation of Alliant and Alliant Small Business is critical to

continuing the success of these programs. The current Alliant GWACs for Information Technology services are among GSA's most successful acquisition programs for the federal government with 50 federal agencies doing more than $20 billion in business volume since their inception in 2009. GSA Alliant and Alliant Small Business GWACs are used for complex IT requirements involving data center consolidation, systems integration, cloud computing, cyber security, help desk support, and other IT disciplines.

The Alliant II and Alliant Small Business II Interact communities will serve as the one-stop-shop for updates and information regarding the next-generation Alliant GWACs. The scope of the Alliant GWACs is built on the foundation of Federal Enterprise Architecture allowing for in-scope acquisition of new and emerging technologies. The GSA GWAC Program is widely acclaimed for superior customer service, scope reviews, and acquisition support.

Dated: April 2, 2014.

Christopher Fornecker,

Director, Center for GWAC Programs, Office of Strategic Programs, Integrated Technology Service.

[FR Doc. 2014–07794 Filed 4–7–14; 8:45 am]

BILLING CODE 6820–XX–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council on Alzheimer's Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. During the April meeting, the Advisory Council will hear presentations from the three subcommittees (Research, Clinical Care, and Long-Term Services and Supports). The Advisory Council will hear updates to the 2014 plan. The Advisory Council will also hear presentations on state and local plans to address dementia.

DATES: The meeting will be held on April 29th, 2014 from 9:00 a.m. to 5:00 p.m. EDT.

ADDRESSES: The meeting will be held in Room 800 in the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

Comments: Time is allocated mid-morning on the agenda to hear public comments. In lieu of oral comments, formal written comments may be submitted for the record to Rohini Khillan, OASPE, 200 Independence Avenue SW., Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov.* Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Rohini Khillan (202) 690–5932, *rohini.khillan@hhs.gov.* **Note:** Seating may be limited. Those wishing to attend the meeting must send an email to *napa@hhs.gov* and put ''April 29 meeting attendance'' in the Subject line by Friday, April 18, so that their names may be put on a list of expected attendees and forwarded to the security officers at the Department of Health and Human Services. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to Federal buildings may change without notice. If you wish to make a public comment, you must note that within your email.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: The Advisory Council will hear presentations from the three subcommittees (Research, Clinical Care, and Long-Term Services and Supports), which will inform the 2014 recommendations. The Advisory Council will discuss the G8 Dementia Summit that was held on December 11, 2013.

Procedure and Agenda: This meeting is open to the public. Please allow 30 minutes to go through security and walk to the meeting room. The meeting will also be webcast at *www.hhs.gov/live.*

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: March 24, 2014.

Rima Cohen,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 2014–07596 Filed 4–7–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*Taking Efficiency Interventions in Health Services Delivery to Scale.*'' In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by June 9, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Taking Efficiency Interventions in Health Services Delivery to Scale

The primary care workforce is facing imminent clinician shortages and increased demand. With the implementation of the Affordable Care Act (ACA), Federally Qualified Health Centers (FQHCs) are expected to play a major role in addressing the large numbers of people who become eligible for health insurance as well as continue in their role as safety net providers. Thus, understanding new models of service delivery and improving efficiency within FQHCs is of national policy import. The proposed data collection supports this goal through studying outcomes associated with a ''delegate model,'' which is designed to improve provider and team efficiency, and the spread of this model throughout a large FQHC.

Recent models of practice transformation have documented the

use of an Organized Team Model that distributes responsibility for patient care among an interdisciplinary team, thus allowing physicians to manage a larger panel size while practicing high quality care. This delegate model requires that all team members perform at the top of their skill level, and that tasks currently performed by clinicians are delegated to non-clinician team members in a safe and effective manner. Researchers at the University of California, San Francisco have estimated that delegation may allow physicians to increase their panel size by shifting tasks to non-physician team members. More specifically, if portions of preventive and chronic care services are delegated to non-physicians, primary care practices can meet recommended quality and care guidelines while maintaining panel sizes with a limited primary care physician workforce. This study will examine the real-world implementation of such a model in order to build evidence of whether such delegation can achieve the predicted increases in panel sizes.

AHRQ is working with John Snow, Inc. (JSI) and its partner, Penobscot Community Health Center (PCHC), to evaluate the effectiveness and spread of a delegate model in 5 of PCHC's 15 primary care service sites. The model will be spread from an initial pilot physician-medical assistant team to other clinics, as well as to other teams within each clinic. PCHC is an FQHC located in Bangor, Maine that serves northeastern Maine. Currently, PCHC's primary care providers (PCPs, which include medical doctors, osteopaths, nurse practitioners, and physician assistants) each work with a Medical Assistant (MA). Under the delegate model, a pair of PCPs will be assigned an ''administrative'' MA to enhance their team. This position will enable shifting of responsibilities among the team, with the intent of relieving the PCPs of administrative tasks and incorporating new tasks that will enhance team efficiency. Examples of tasks that an administrative MA may take on include standardized prescription renewals, schedule management, in-box management, scribing, pre-visit planning with pre-appointment laboratory tests, and identification of patients for ancillary referrals (e.g., behavioral health and case management).

This study has the following goals:

(1) To evaluate the spread and effectiveness of the delegate model in five of PCHC's primary care sites;

(2) To evaluate the influence of the delegate model on provider satisfaction, team functioning, and patient satisfaction;

(3) To assess the contextual factors influencing the above outcomes; and

(4) To disseminate findings.

This study is being conducted by AHRQ through its contractor, JSI, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

AHRQ seeks approval for the following data collection activities:

- Team Survey that will be disseminated to all members of both delegate and non-delegate primary care teams to assess job satisfaction and team functioning in all participating sites at two points in time.
- Key Informant Interviews (KII) conducted with staff in each of the participating sites during two rounds of site visits, with key informants to include the Medical Director, Practice Director, members of primary care teams implementing the delegate model, and ancillary staff. A condensed version of the interview will be used for a conference call with each participating site's Medical Director and Practice Director as an interim activity between the two site visits.

The information yielded from this study is expected to inform a wide cross section of audiences and stakeholders about provider efficiency, practice redesign, team-based care, workforce strategies, and spread of an innovation. This study is not intended to make broad generalizations about the effectiveness of the delegate model of care, but rather to build initial evidence about this promising new model, its ability to increase panel size in FQHCs, and provide guidance on how similar models might be spread and evaluated.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden for the respondents' time to participate in this research. Information will be collected through an internet-based team survey and in-person and telephone interviews. Note that some respondents may be double-counted, so the total number of respondents may be less than 80. For example, a respondent may fill out a survey as well as participate in a phone interview.

Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to participate in this research. The total annual cost burden is estimated to be $25,151.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Team Survey:				
—Providers	21	2	15/60	11
—Other Clinical Staff	34	2	15/60	17
Total	55	2	15/60	28
Key Informant Interviews (Site visits):				
—Medical Director	2	2	30/60	2
—Practice Director	2	2	30/60	2
—Providers	5	2	30/60	5
—Other Clinical Staff	10	2	30/60	10
Total	19	2	30/60	19
Key Informant Interviews (Phone calls):				
—Medical Director	3	1	1	3

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
—Practice Director	3	1	1	3
Total	6	1	1	6
Total	80	na	na	53

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Team Survey:				
—Providers	21	11	[a] $62.13	$14,352
—Other Clinical Staff	34	17	[b] 14.69	8,491
Total	55	28	na	22,843
Key Informant Interviews (Site Visit):				
—Medical Director	2	2	[c] 92.08	368
—Practice Director	2	2	[d] 47.34	189
—Providers	5	2	[a] 62.13	621
—Other Clinical Staff	10	2	[b] 14.69	294
Total	19	8	na	1,472
Key Informant Interviews (Phone calls):				
—Medical Director	3	2	[c] 92.08	552
—Practice Director	3	2	[d] 47.34	284
Total	6	4	na	836
Total	80	na	na	25,151

* National Compensation Survey: Occupational wages in the United States May 2012, "U.S. Department of Labor, Bureau of Labor Statistics."
[a] Based on the average mean wages for three categories of primary care provider ($92.08—MDs; $44.45 PAs; and $43.97—NPs).
[b] Based on the mean wage of Medical Assistants.
[c] Based on the mean wages for MDs.
[d] Based on the mean wages for Medical and Health Services Managers.
[e] Based on the mean wages for Data Analyst (Computer and Information Analyst).

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 31, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–07795 Filed 4–7–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting for Software Developers on the Common Formats for Patient Safety Data Collection and Event Reporting—Agenda & Registration Information

In reference to **Federal Register**, Vol. 79, No. 15, pages 3815–3816, published on January 23, 2014 (*https://www.federalregister.gov/articles/2014/01/23/2014-01242/meeting-for-software-developers-on-the-common-formats-for-patient-safety-data-collection-and-event*), AHRQ is now providing additional information on the Software Developers Meeting—AHRQ Common Formats meeting agenda and registration.

As indicated in the previous notice, the PSO Privacy Protection Center (PSOPPC) is coordinating the meeting. On Friday, April 25, 2014, the meeting will start at 10:00 a.m. with welcome and updates on data submissions issues. After a networking lunch, a keynote presentation will focus on electronic health record (EHR) technology, patient safety, and federal regulation. Finally, the meeting will conclude with presentations on and discussion of federal initiatives involving the Common Formats. Throughout the meeting there will be interactive discussion to allow meeting participants not only to provide input, but also to respond to the input provided by others. Meeting information, including the full

agenda, is available on the PSO PPC Web site *http://www.cvent.com/events/2014-software-developers-meeting-ahrq-common-formats/event-summary-f7d00f4b5a6c402797bf8defbf7b8930.aspx*.

AHRQ requests that interested persons register with the PSO PPC as soon as possible; the meeting space will accommodate approximately 150 participants. If space is available, non-registered individuals will be able to register on-site beginning at 9:00 a.m. at the John M. Eisenberg Conference Center; please contact the PSO PPC by telephone at (866) 571–7712 and by email at *SUPPORT@PSOPPC.ORG* to inquire about space availability.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than Friday, April 11, 2014.

More information about the Common Formats can be obtained through AHRQ's PSO Web site: *http://www.PSO.AHRQ.gov/index.html*.

Dated: April 1, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–07804 Filed 4–7–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[30-Day-14–14FA]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

State Surveillance under the National Toxic Substance Incidents Program (NTSIP)—NEW—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

The Agency for Toxic Substances and Disease Registry (ATSDR) is sponsoring the National Toxic Substance Incidents Program (NTSIP) to gather information from many resources to protect people from harm caused by spills and leaks of toxic substances. The NTSIP information will be used to help prevent or reduce the harm caused by toxic substance incidents. The NTSIP is modeled partially after the Hazardous Substances Emergency Events Surveillance (HSEES) Program which ran from 1992 to 2012 [OMB number: 0923–0008; expiration date 01/31/2012], with additions suggested by stakeholders to have a more complete program. The NTSIP has three components: A national database, state surveillance, and the response team. This information collection request is focused on the state surveillance component.

The NTSIP is the only federal public health-based surveillance system to coordinate the collection, collation, analysis, and distribution of acute toxic substance incidents data to public health and safety practitioners. Because thousands of acute spills occur annually around the country, it is necessary to establish this surveillance system to describe the public health impacts on the population of the United States. The ATSDR is seeking a three-year approval for the ongoing collection of information for the state surveillance system.

The main objectives of this information collection are to:

1. Describe toxic substance releases and the public health consequences associated with such releases within the participating states,
2. Identify and prioritize vulnerabilities in industry, transportation, and communities as they relate to toxic substance releases, and
3. Identify, develop, and promote strategies that could prevent ongoing and future exposures and resultant health effects from toxic substance releases.

The NTSIP surveillance system will be incident-driven and all acute toxic substance incidents occurring within participating states will be included.

A standardized set of data will be collected by the NTSIP coordinator for each incident. The NTSIP coordinator may be a federal employee assigned to the state health department or an employee of the state health department. State, but not federal, NTSIP coordinators will incur recordkeeping burden during two phases.

During the first phase, the NTSIP coordinators will rapidly collect and enter data from a variety of existing data sources. Examples of existing data sources include, but are not limited to, reports from the media, the National Response Center, the U.S. Department of Transportation Hazardous Materials Information Reporting System, and state environmental protection agencies. Approximately 65% of the information is expected to be obtained from existing data sources.

The second phase of the information collection will require the NTSIP coordinators to alert other entities of the incident when appropriate and to request additional information to complete the remaining unanswered data fields. Approximately 35% of the information is expected to be obtained from calling, emailing, or faxing additional types of respondents by the NTSIP coordinators.

These additional respondents will incur reporting burden and include, but are not limited to, the on-scene commander of the incident, emergency government services (e.g., state divisions of emergency management, local emergency planning committees, fire or Hazmat units, police, and emergency medical services), the responsible party (i.e., the ''spiller''), other state and local government agencies, hospitals and local poison control centers.

The NTSIP coordinator will enter data directly into an ATSDR internet-based data system. NTSIP materials, including a public use data set, annual report, and published articles will be made available on the ATSDR NTSIP Web page at *http://www.atsdr.cdc.gov/ntsip/*.

There are no costs to respondents other than their time. The total estimated annual burden hours are 1,821.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
State NTSIP Coordinators	NTSIP State Data Collection Form	3	426	1
On-scene commanders	NTSIP State Data Collection Form	110	1	30/60
Emergency government services	NTSIP State Data Collection Form	810	1	30/60
Responsible party	NTSIP State Data Collection Form	15	1	30/60
Other state and local governments	NTSIP State Data Collection Form	60	1	30/60
Hospitals	NTSIP State Data Collection Form	10	1	30/60
Poison Control Centers	NTSIP State Data Collection Form	80	1	30/60

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–07779 Filed 4–7–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0260]

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

Health Hazard Evaluation and Technical Assistance—Requests and Emerging Problems (0920–0260, Expiration 11/30/2014)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In accordance with its mandates under the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977, the National Institute for Occupational Safety and Health (NIOSH) responds to requests for health hazard evaluations (HHE) to identify chemical, biological or physical hazards in workplaces throughout the United States. Each year, NIOSH receives approximately 300 such requests. Most HHE requests come from the following types of companies: Service, manufacturing, health and social services, transportation, construction, agriculture, mining, skilled trade and construction.

A printed HHE request form is available in English and in Spanish. The form is also available on the Internet and differs from the printed version only in format and in the fact that it can be submitted directly from the Web site. The request form takes an estimated 12 minutes to complete. The form provides the mechanism for employees, employers, and other authorized representatives to supply the information required by the regulations governing the NIOSH HHE program (42 CFR 85.3–1). If employees are submitting the form, it must contain the signatures of three or more current employees. However, regulations allow a single signature if the requestor: Is one of three (3) or fewer employees in the process, operation, or job of concern; or is any officer of a labor union representing the employees for collective bargaining purposes. An individual management official may request an evaluation on behalf of the employer. The information provided is used by NIOSH to determine whether there is reasonable cause to justify conducting an investigation and provides a mechanism to respond to the requestor.

NIOSH reviews the HHE request to determine if an on-site evaluation is needed. The primary purpose of an on-site evaluation is to help employers and employees identify and eliminate occupational health hazards. For 40% of the requests received NIOSH determines an on-site evaluation is needed.

In about 70% of on-site evaluations, employees are interviewed to help further define concerns. Interviews may take approximately 15 minutes per respondent. The interview questions are specific to each workplace and its suspected diseases and hazards. However, interviews are based on standard medical practices.

In approximately 30% of on-site evaluations (presently estimated to be 38 facilities), questionnaires are distributed to the employees (averaging about 100 employees per site). Questionnaires may require approximately 30 minutes to complete. The survey questions are specific to each workplace and its suspected diseases and hazards, however, items in the questionnaires are derived from standardized or widely used medical and epidemiologic data collection instruments.

About 70% of the on-site evaluations involve employee exposure monitoring in the workplace. Employees participating in on-site evaluations by wearing a sampler or monitoring device to measure personal workplace exposures are offered the opportunity to get a written notice of their exposure results. To indicate their preference and, if interested, provide mailing information, employees complete a contact information post card. The previous approved information collection request has been revised to include the post card, which may take 5 minutes or less to complete. The number of employees monitored for

workplace exposures per on-site evaluation is estimated to be 25 per site.

NIOSH distributes interim and final reports of health hazard evaluations, excluding personal identifiers, to: requesters, employers, employee representatives; the Department of Labor (Occupational Safety and Health Administration or Mine Safety and Health Administration, as appropriate); state health departments; and, as needed, other state and federal agencies.

NIOSH administers a follow-back program to assess the effectiveness of its HHE program in reducing workplace hazards. This program entails the mailing of follow-back questionnaires to employer and employee representatives at all the workplaces where NIOSH conducted an on-site evaluation. In a small number of instances, a follow-back on-site evaluation may be completed. The first follow-back questionnaire is sent shortly after the first visit for an on-site evaluation and takes about 15 minutes to complete. A second follow-back questionnaire is sent a year later and requires about 15 minutes to complete. At 24 months, a third follow-back questionnaire is sent which takes about 15 minutes to complete.

For requests where NIOSH does not conduct an on-site evaluation, the requestor receives the first follow-back questionnaire 12 months after our response and a second one 24 months after our response. The first questionnaire takes about 10 minutes to complete and the second questionnaire takes about 15 minutes to complete.

Because of the number of investigations conducted each year, the need to respond quickly to requests for assistance, the diverse and unpredictable nature of these investigations, and its follow-back program to assess evaluation effectiveness; NIOSH requests clearance for data collections performed within the domain of its HHE program. There is no cost to respondents other than their time.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response in hours	Total burden hours
Employees and Representatives	Health Hazard Evaluation Request Form.	225	1	12/60	45
Employers*	Health Hazard Evaluation Request Form.	75	1	12/60	15
Employees	Health Hazard Evaluation specific interview example.	2,670	1	15/60	668
Employees	Health Hazard Evaluation specific questionnaire example.	3,800	1	30/60	1,900
Employees	Contact information post card	2,225	1	5/60	186
Employees and Representatives; Employers—Year 1 (on-site evaluation).	First follow-back questionnaire	252	1	15/60	63
	Second follow-back questionnaire	252	1	15/60	63
Employees and Representatives; Employers—Year 2 (on-site evaluation).	Third follow-back questionnaire	252	1	15/60	63
Employees and Representatives; Employers—Year 1 (without on-site evaluation).	First follow-back questionnaire	90	1	10/60	15
Employees and Representatives; Employers—Year 2 (without on-site evaluation).	Second follow-back questionnaire	90	1	15/60	23
Total					3,041

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. 2014–07738 Filed 4–7–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Advisory Committee on Immunization Practices, Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through April 1, 2016.

FOR FURTHER INFORMATION CONTACT: Larry Pickering, M.D., Designated Federal Officer, Advisory Committee on Immunization Practices, Centers for Disease Control and Prevention, Department of Health and Human Services, 1600 Clifton Road NE., Mailstop A27, Atlanta, Georgia 30333, telephone (404) 639–8562 or fax (404) 639–8626.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–07772 Filed 4–7–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2014–0003]

Draft Guideline—Centers for Disease Control and Prevention Draft Guideline for the Prevention of Surgical Site Infections

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

ACTION: Reopening of public comment period.

SUMMARY: On January 29, 2014 the Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) published a notice in the **Federal Register** requesting public comment on the Draft Guideline for the Prevention of Surgical Site Infections (SSIs) (draft Guideline) (79 FR 4724). Written comments were to be received on or before February 28, 2014. Some commenters requested additional time to review the guideline and provide comments. In consideration of these requests, HHS/CDC is reopening the comment period for 30 days.

DATES: Comments must be received on or before May 8, 2014.

ADDRESSES: You may submit comments, identified by CDC–2014–0003, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Division of Healthcare Quality Promotion, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, Attn: Guideline for the Prevention of Surgical Site Infections Docket No. CDC–2014–0003, 1600 Clifton Rd. NE., Mailstop A07, Atlanta, Georgia, 30333.

Instructions: All submissions received must include the agency name and docket number or RIN. All relevant public comments received will be posted publicly to *www.regulations.gov* without change, including any personal or proprietary information provided. To download an electronic version of the draft *Guideline and appendices,* access *http://www.regulations.gov.*

Written materials identified by Docket No. CDC–2014–0003 will be available for public inspection Monday through Friday, except for legal holidays, 9 a.m. until 4:30 p.m. Eastern Standard Time, at CDC Library, 1600 Clifton Road NE., Atlanta, Georgia, 30333. Please call ahead to (404) 639–1717 and request a Library representative schedule your visit. All public comments will be reviewed and considered prior to finalizing the draft Guideline.

FOR FURTHER INFORMATION CONTACT: Erin Stone, Division of Healthcare Quality Promotion, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop A–31, Atlanta, Georgia, 30333; Telephone: (404) 639–4000.

SUPPLEMENTARY INFORMATION: The draft Guideline addresses new and updated strategies for the prevention of SSI in healthcare settings. This draft Guideline can be found at *http://www.regulations.gov* Docket No. CDC–2014–0003.

CDC also published the supporting appendices that include primary evidence, study evaluation, and data evaluation tables that were used in developing the draft Guideline recommendations.

The draft Guideline is designed for use by infection prevention staff, healthcare epidemiologists, administrators, nurses, and personnel responsible for developing, implementing, and evaluating infection prevention and control programs for healthcare settings across the continuum of care. The recommendations contained in the draft Guideline are based on a targeted systematic review of the best available evidence for specific topics related to the prevention of surgical site infections (SSI).

Since 2010 CDC has collaborated with national partners, academicians, public and private health professionals, and other partners to create this draft Guideline. Additionally, CDC sought input in each phase of development from subject matter experts in surgery, infectious diseases, and orthopedics through a Guideline Expert Panel formed to develop the new draft Guideline. CDC also received input from the Healthcare Infection Control Practices Advisory Committee (HICPAC) throughout the development of the draft Guideline. HICPAC includes representatives from public health, infectious diseases, regulatory and other federal agencies, professional societies, and other stakeholders. This new draft Guideline will not be a federal rule or regulation.

Dated: April 3, 2014.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2014–07783 Filed 4–7–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Surveillance and Research of Muscular Dystrophies and Neuromuscular Disorders, FOA DD14–001, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Times and Dates:

9:00 a.m.–6:00 p.m., April 22, 2014 (Closed)

9:00 a.m.–6:00 p.m., April 23, 2014 (Closed)

9:00 a.m.–6:00 p.m., April 24, 2014 (Closed)

Place: Teleconference

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters For Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Surveillance and Research of Muscular Dystrophies and Neuromuscular Disorders, FOA DD14–001, initial review.''

Contact Person For More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–07776 Filed 4–7–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee:

Time and Date: 8:30 a.m.–3:00 p.m. (EST), April 24, 2014.

Place: CDC, Building 21, Rooms 1204 A/B, 1600 Clifton Road NE., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space and phone lines available. The meeting room accommodates approximately 50 people. The public is welcome to participate during the public comment period, tentatively scheduled from 2:45 p.m. to 2:50 p.m. This meeting is also available by teleconference. Please dial (877) 930–8819 and enter code 1579739.

Web links: Connection-1: *http://wm.onlinevideoservice.com/CDC1* Flash Connection-3 (For Safari and Google Chrome Users): *http://www.onlinevideoservice.com/clients/CDC/?mount=CDC3* If you are unable to connect using the link, copy and paste the link into your web browser. Captions are only available on the Windows Media links (Connections 1). Viewer's report is given the next day.

Number for Technical Support: (404) 639–3737.

Purpose: The committee will provide advice to the CDC Director on strategic and other broad issues facing CDC.

Matters for Discussion: The Advisory Committee to the Director will receive updates from the State, Tribal, Local and Territorial Subcommittee; the Health Disparities Subcommittee, the Global Workgroup, and the Public Health—Health Care Collaboration Workgroup; as well as an update from the CDC Director.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Carmen Villar, MSW, Designated Federal Officer, ACD, CDC, 1600 Clifton Road NE., M/S D–14, Atlanta, Georgia 30333. Telephone: (404) 639–7000, Email: *GHickman@cdc.gov.* The deadline for notification of attendance is April 17, 2014. To register for this meeting, please send an email to *ACDirector@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–07774 Filed 4–7–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Collaboration on Climate Sensitive Diseases and Health Effects, Funding Opportunity Announcement (FOA) CK14–003, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 1:00 p.m.–3:00 p.m., April 22, 2014 (Closed)

Place: Teleconference

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Collaboration on Climate Sensitive Diseases and Health Effects, FOA CK14–003''.

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–07775 Filed 4–7–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), National Institute for Occupational Safety and Health (NIOSH), HHS.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), and pursuant to the requirements of 42 CFR 83.15(a), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Time and Date: 8:15 a.m.–5:15 p.m., EST, April 29, 2014.

Public Comment Time and Date: 5:15 p.m.–6:15 p.m.*, EST, April 29, 2014.

**Please note that the public comment period may end before the time indicated, following the last call for comments. Members of the public who wish to provide public comments should plan to attend the public comment session at the start time listed.*

Place: Augusta Marriott, 2 10th Street, Augusta, Georgia 30901; Phone: (800)-868–5354; Fax: (706) 724–0044. Audio Conference Call via FTS Conferencing. The USA toll-free, dial-in number is 1–866–659–0537 with a pass code of 9933701. Live Meeting Connection: *https://www.livemeeting.com/cc/cdc/join?id=7CSBK8&role=attend&pw=ABRWH*; Meeting ID: 7CSBK8; Entry Code: ABRWH.

Status: Open to the public, limited only by the space available. The meeting space accommodates approximately 150 people.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines which have been promulgated by the Department of Health and Human

Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2015.

Purpose: This Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters for Discussion: The agenda for the Advisory Board meeting includes: NIOSH Program Update; Department of Labor Program Update; Department of Energy Program Update; SEC petitions for: Nuclear Metal Inc. (West Concord, MA), Joslyn Manufacturing and Supply Company (Fort Wayne, IN) and Savannah River Site (Aiken, SC); SEC Issues Work Group Report on ''Sufficient Accuracy''/Co-Worker Dose Modeling; SEC Petitions Update; and Board Work Session.

The agenda is subject to change as priorities dictate.

In the event an individual cannot attend, written comments may be submitted in accordance with the redaction policy provided below. Any written comments received will be provided at the meeting and should be submitted to the contact person below well in advance of the meeting.

Policy on Redaction of Board Meeting Transcripts (Public Comment): (1) If a person making a comment gives his or her personal information, no attempt will be made to redact the name; however, NIOSH will redact other personally identifiable information, such as contact information, social security numbers, case numbers, etc., of the commenter.

(2) If an individual in making a statement reveals personal information (e.g., medical or employment information) about themselves that information will not usually be redacted. The NIOSH Freedom of Information Act (FOIA) coordinator will, however, review such revelations in accordance with the Federal Advisory Committee Act and if deemed appropriate, will redact such information.

(3) If a commenter reveals personal information concerning a living third party, that information will be reviewed by the NIOSH FOIA coordinator, and upon determination, if deemed appropriated, such information will be redacted, unless the disclosure is made by the third party's authorized representative under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) program.

(4) In general, information concerning a deceased third party may be disclosed; however, such information will be redacted if (a) the disclosure is made by an individual other than the survivor claimant, a parent, spouse, or child, or the authorized representative of the deceased third party; (b) if it is unclear whether the third party is living or deceased; or (c) the information is unrelated or irrelevant to the purpose of the disclosure.

The Board will take reasonable steps to ensure that individuals making public comment are aware of the fact that their comments (including their name, if provided) will appear in a transcript of the meeting posted on a public Web site. Such reasonable steps include: (a) A statement read at the start of each public comment period stating that transcripts will be posted and names of speakers will not be redacted; (b) A printed copy of the statement mentioned in (a) above will be displayed on the table where individuals sign up to make public comments; (c) A statement such as outlined in (a) above will also appear with the agenda for a Board Meeting when it is posted on the NIOSH Web site; (d) A statement such as in (a) above will appear in the **Federal Register** Notice that announces Board and Subcommittee meetings.

Contact Person For More Information: Theodore Katz, M.P.A., Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road NE., MS E–20, Atlanta GA 30333, Telephone: (513) 533–6800, Toll Free: 1–800–CDC–INFO, Email: *dcas@cdc.gov*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–07773 Filed 4–7–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974, Report of New System of Records

AGENCY: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

ACTION: Notice of a New System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, CMS is establishing a new SOR titled, ''Hospice Item Set (HIS) System,'' System No. 09–70–0548. The new system will support the collection of data required for the Hospice Quality Reporting Program (HQRP) pursuant to Section 3004(c) of the Patient Protection and Affordable Care Act of 2010 (ACA) (Pub. L. 111–148), which amended the Social Security Act (the Act) (42 U.S.C. 1814(i)). HIS is a standardized, patient-level data collection vehicle consisting of data elements confirming that the appropriate assessments were made and inquiries or concerns were addressed for each patient at the time of admission for the following domains of care: (1) Pain; (2) Respiratory Status; (3) Medications; (4) Patient Preferences; and (5) Beliefs & Values.

DATES: *Effective Dates:* Effective 30 days after publication. Written comments should be submitted on or before the effective date. HHS/CMS/CCSQ may publish an amended SORN in light of any comments received.

ADDRESSES: The public should address comments to: CMS Privacy Officer, Privacy Policy Compliance Group, Office of E-Health Standards & Services, Office of Enterprise Management, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1870, Mailstop: S2–24–25, Office: (410) 786–5357,

Facsimile: (410) 786–1347, E-Mail: *walter.stone@cms.hhs.gov*. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT:

Caroline Gallaher, Nurse Consultant, CMS, Centers for Clinical Standards and Quality, Quality Measurement & Health Assessment Group, Division of Chronic & Post-Acute Care, 7500 Security Boulevard, Mail Stop S3–02–01, Baltimore, MD 21244–1850. Office: 410–786–8705, Facsimile: (410) 786–8532, Email address: *caroline.gallaher@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background and Introduction

Section 3004(c) of the ACA directed the Secretary of HHS to establish a quality reporting program for hospices for the purpose of collecting, compiling and eventually publishing data measuring the quality of care provided to patients receiving hospice care. The quality measure data is required to be valid, meaningful, and feasible to collect, and to address symptom management, patient preferences and care coordination. Although CMS administers the HIS, information is also collected on hospice patients who may not be Medicare beneficiaries.

A hospice is a public agency or private organization or a subdivision of either that is primarily engaged in providing care to terminally ill individuals, meets the conditions of participation for hospices, and has a valid Medicare provider agreement. Hospice care is an approach to caring for terminally ill individuals that stresses palliative care (relief of pain and uncomfortable symptoms), as opposed to curative care. In addition to meeting the patient's medical needs, hospice care addresses the physical, psychosocial, and spiritual needs of the patient, as well as the psychosocial needs of the patient's family/caregiver. The HIS is not a patient assessment instrument and will not be administered to the patient and/or family or caregivers. In contrast, HIS is a standardized mechanism for abstracting data from the medical record.

The HIS was developed specifically for use by hospices and contains data elements that can be used by CMS to collect the patient-level data required for seven National Quality Forum—(NQF) endorsed quality measures and a modification of one NQF-endorsed measure. These measures include: (1) Hospice and Palliative Care—Pain Screening (NQF #1634); (2) Hospice and Palliative Care—Pain Assessment (NQF #1637); (3) Hospice and Palliative Care—Dyspnea Screening (NQF #1639); (4) Hospice and Palliative Care—Dyspnea Treatment (NQF #1638); (5) Patients Treated With an Opioid who are Given a Bowel Regimen (NQF #1617); (6) Hospice and Palliative Care—Treatment Preferences (NQF #1641); and (7) Beliefs/values addressed (modified version of the NQF #1647 measure).

Hospices will begin using the HIS for all patients beginning July 1, 2014. Hospices will be required to submit two HIS records for each patient admitted to their organization—a HIS-Admission record and a HIS-Discharge record. The HIS-Admission contains both administrative items for patient identification and clinical items for calculating the seven quality measures. The HIS-Discharge is a limited set of administrative items also used for patient identification, as well as discharge information, which will be used primarily to determine patient exclusions for some of the seven quality measures.

II. The Privacy Act

The Privacy Act (5 U.S.C. 552a) governs the means by which the United States Government collects, maintains, and uses personally identifiable information (PII) in a SOR. A SOR is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a system of records notice (SORN) identifying and describing each system of records the agency maintains, including the purposes for which the agency uses information about individuals in the system, the routine uses for which the agency discloses such information outside the agency, and how individual record subjects can exercise their rights under the Privacy Act (e.g., to determine if the system contains information about them).

System Number: 09–70–0548

SYSTEM NAME:

''Hospice Item Set (HIS) System'' HHS/CMS/CCSQ.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

CMS Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850, and at various Hospices and contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will contain information about the following categories of individuals who participate in or are involved with the HQRP: (1) Hospice patients and Medicare beneficiaries, who receive health care services coordinated and managed by hospices; and, (2) any individual providers and/or any contact persons for a hospice whose personal information (such as, home or personal contact information, or Social Security Number (SSN) if used for business purposes) is provided as business-identifying information on the collection instrument.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the HIS about hospice patients includes but not limited to information related to condition, selected covariates about the condition, and patient/beneficiary demographic records containing the patient/beneficiary's name, gender, beneficiary's Health Insurance Claim Number (HICN), SSN, Medicaid number (MA number), race, and date of birth. Information collected about providers who work in hospices considered to be PII includes records containing the provider's name, address, National Provider Identifier (NPI), and CMS Certification Number (CCN), personal contact information, tax identification number, and SSN if used for business purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the SOR is given at Section 3004(c) of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), amending the Social Security Act (42 U.S.C. 1814(i)).

PURPOSE(S) OF THE SYSTEM:

The purpose(s) of this SOR is to create a hospice item set that is used as a standardized mechanism for abstracting data from the medical record to address symptom management, patient preferences and care coordination; to house the data needed for the HQRP, and to maintain a quality reporting program for hospices for the purpose of collecting, compiling and eventually publishing data measuring the quality of care provided to patients receiving hospice care. CMS will or may use personally identifiable information from this system to: (1) Support regulatory, reimbursement, and policy functions performed by Agency contractors, consultants, or CMS grantees; (2) assist Federal and state agencies and their fiscal agents to perform the statutory functions of the HQRP; (3) assist hospices with the statutory reporting requirements; (4) support research,

evaluation, or epidemiological projects related to end of life care, and for payment related projects; (5) support the functions of Quality Improvement Organizations; (6) support the functions of national accrediting organizations; (7) support litigation involving the agency; (8) combat fraud, waste, and abuse in certain health benefits programs, (9) assist agencies, entities, contractors, or persons tasked with the response and remedial efforts in the event of a breach of information, and (10) assist the U.S. Department of Homeland Security (DHS) cyber security personnel.

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

A. ENTITIES WHO MAY RECEIVE DISCLOSURES UNDER ROUTINE USE

These routine uses specify circumstances, in addition to those provided by statute in the Privacy Act of 1974, under which CMS may release information from HIS without the consent of the individual to whom such information pertains. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the disclosure is legally permissible, including but not limited to ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected. We propose to establish the following routine use disclosures of information maintained in the system:

1. To support Agency contractors, consultants, or CMS grantees who have been engaged by the Agency to assist in accomplishment of a CMS function relating to the purposes for this collection and who need to have access to the records in order to assist CMS.

2. To assist another Federal Agency, agency of a State government, an agency established by State law, or its fiscal agents with information that is necessary and/or required in order to perform the statutory functions of the HQRP;

3. To provide hospices with information they need to meet any statutory requirements of the program, assist with other reports as required by CMS, and to assist in the implementation of quality standards;

4. To support an individual or organization for research, as well as evaluation or epidemiological projects related to end of life care, or for understanding and improving payment projects;

5. To support Quality Improvement Organizations (QIOs) in connection with review of claims, or in connection with studies or other review activities conducted pursuant to Part B of Title XI of the Act, and in performing affirmative outreach activities to individuals for the purpose of establishing and maintaining their entitlement to Medicare benefits or health insurance plans;

6. To assist national accrediting organization(s) whose accredited providers are presumed to meet certain Medicare requirements (e.g., the Joint Commission for the Accreditation of Healthcare Organizations, the Community Health Accreditation Program (CHAP), or the Accreditation Commission for Health Care (ACHC);

7. To provide information to the U.S. Department of Justice (DOJ), a court, or an adjudicatory body when (a) the Agency or any component thereof, or (b) any employee of the Agency in his or her official capacity, or (c) any employee of the Agency in his or her individual capacity where the DOJ has agreed to represent the employee, or (d) the United State Government, is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court, or adjudicatory body is compatible with the purpose for which the agency collected the records;

8. To assist a CMS contractor (including, but not limited to Medicare Administrative Contractors, fiscal intermediaries, and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such program;

9. To assist another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any state or local governmental agency), that administers or that has the authority to investigate potential fraud, waste or abuse in a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such programs;

10. To disclose records to appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, and the information disclosed is relevant and necessary for that assistance; and

11. To assist the U.S. Department of Homeland Security (DHS) cyber security personnel, if captured in an intrusion detection system used by HHS and DHS (e.g., pursuant to the Einstein 2 program).

B. ADDITIONAL CIRCUMSTANCES AFFECTING DISCLOSURE OF PII DATA:

To the extent that the individual claims records in this system contain Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR Parts 160 and 164, Subparts A and E), disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information'' (see 45 CFR 164–512(a)(1)).

In addition, HHS policy will be to prohibit release even of data not directly identifiable with a particular individual, except pursuant to one of the routine uses or if required by law, if CMS determines there is a possibility that a particular individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that individuals could, because of the small size, use this information to deduce the identity of a particular individual).

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

STORAGE:

All records are stored on magnetic media.

RETRIEVABILITY:

Information may be retrieved by any of these personal identifiers: provider's TIN (which could be a SSN); NPI; CMS Certification Number (CCN); Patient's SSN or a Beneficiary's HICN; a patient's or beneficiary's name in combination with the patient's or beneficiary's date of birth.

SAFEGUARDS:

Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality,

integrity and availability of the information and information systems and to prevent unauthorized access.

Access to records in the hospice database system will be limited to CMS personnel and contractors through password security, encryption, firewalls, and secured operating system. Any electronic or hard copies of financial-related records containing PII at CMS and contractor locations will be kept in secure electronic files or in file folders locked in secure file cabinets during non-duty hours.

RETENTION AND DISPOSAL:

Retention and disposal of these records are in accordance with published record schedules of the Centers for Medicare & Medicaid Services and as approved by the National Archives and Records Administration. Beneficiary claims records are currently subject to a document preservation order and will be preserved indefinitely pending further notice from the U.S. Department of Justice.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Chronic & Post-Acute Care, Quality Measurement & Health Assessment Group, Center for Clinical Standards and Quality, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail Stop S3–02–01, Baltimore, MD 21244–1850.

NOTIFICATION PROCEDURE:

An individual record subject who wishes to know if this system contains records about him or her should write to the system manager who will require the system name, HICN, and for verification purposes, the subject individual's name (woman's maiden name, if applicable), and SSN. Furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay.

RECORD ACCESS PROCEDURE:

An individual seeking access to records about him or her in this system should use the same procedures outlined in Notification Procedures above. The requestor should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

To contest a record, the subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested. The individual should state the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7)

RECORD SOURCE CATEGORIES:

Information about individuals collected and maintained in this database is collected by means of the HIS. Hospices may transmit HIS data to CMS using free software that is provided by CMS. In the alternative, hospice providers may submit HIS data via customized computer programs which are created by private vendors in accordance with technical data specifications issued by CMS. Information transmitted about hospice patients is collected by hospice providers directly from the patients or from the patients' medical records. Any information about an individual provider or contact person for a provider that is included as the provider's business-identifying information on the collection instrument is provided by the provider or contact person.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

Dated: March 26, 2014.

Timothy P. Love,

Chief Operating Officer, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–07552 Filed 4–7–14; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Income Withholding for Support Order (IWO).

OMB No.: 0970–0154.

Description: All individuals and entities must use a standard form the Secretary of HHS developed to notify employers to withhold child support for all IV–D and non-IV–D orders. This clearance is for one-time changes to the IWO form by state child support agencies and entities that do not have child support automated systems.

The Office of Child Support Enforcement (OCSE) requires child support automated systems to be able to automatically generate and download data to the Office of Management and Budget (OMB) approved IWO form. The collection of information required by state child support agencies and courts to populate IWOs in automated systems is contained in OMB #0970–0417 and is not addressed in this clearance. If the state child support agency established the child support orders, necessary information is already contained in the automated system for populating income withholding orders. If a court or other tribunal issued a child support order, then IV–D agency staff enter the terms of the order into the automated system to issue IWOs. Copies of the IWO are made for all necessary parties and state child support agencies transmit IWOs to the employer/income withholder by mail or through the OCSE electronic income withholding order (e-IWO) portal. Employers are required to inform state child support agencies when employees with child support IWOs terminate their employment; notification occurs by sending the IWO form or by the e-IWO process. Employer responses to IWOs are covered by this clearance.

Custodial parties (CPs) may send the IWO form to an employer directly or may engage an attorney or private collection agency to do so on their behalf. This clearance addresses custodial parties as they do not have access to automated systems for non-IV–D orders.

The IWO form and instructions were updated for consistency and clarity in light of numerous comments suggesting changes received during the 60-day comment period of the 1st **Federal Register** Notice publication.

The information collection is authorized by 42 U.S.C. 666(a)(8)(B)(iii) and (b)(6)(A)(ii) which requires the use of a standard format for income withholding.

Respondents: Employers, non-IV–D custodial parties, and e-IWO employers.

ANNUAL BURDEN ESTIMATES

Type of respondents	Number of respondents	Number of responses per respondent	Annual number of responses	Average burden hours per response	Total burden hours
Non-IV–D CPs	2,436,312	1	2,436,312	5 minutes	203,026
Employers	1,283,228	7.38	9,470,223	2 minutes	315,674
e-IWO Employers	5,500	131	720,500	3 seconds	600

Estimated Total Annual Burden Hours: 519,300.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 2014–07830 Filed 4–7–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Reimbursement Rates for Calendar Year 2014

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: Notice is given that the Director of the Indian Health Service (IHS), under the authority of sections 321(a) and 322(b) of the Public Health Service Act (42 U.S.C. 248 and 249(b)), Public Law 83–568 (42 U.S.C. 2001(a)), and the Indian Health Care Improvement Act (25 U.S.C. 1601 *et seq.*), has approved the following rates for inpatient and outpatient medical care provided by IHS facilities for Calendar Year 2014 for Medicare and Medicaid beneficiaries, and beneficiaries of other Federal programs, and for recoveries under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653). The Medicare Part A inpatient rates are excluded from the table below as they are paid based on the prospective payment system. Since the inpatient rates set forth below do not include all physician services and practitioner services, additional payment shall be available to the extent that those services are provided.

	Calendar Year 2014
Inpatient Hospital Per Diem Rate (Excludes Physician/Practitioner Services)	
Lower 48 States	$2,413
Alaska	$2,675
Outpatient Per Visit Rate (Excluding Medicare)	
Lower 48 States	$342
Alaska	$564
Outpatient Per Visit Rate (Medicare)	
Lower 48 States	$297
Alaska	$516
Medicare Part B Inpatient Ancillary Per Diem Rate	
Lower 48 States	$502
Alaska	$862
Outpatient Surgery Rate (Medicare):	
Established Medicare rates for freestanding Ambulatory Surgery Centers..	
Effective Date for Calendar Year 2014 Rates:	
Consistent with previous annual rate revisions, the Calendar Year 2014 rates will be effective for services provided on/or after January 1, 2014 to the extent consistent with payment authorities including the applicable Medicaid State plan..	

Dated: December 2, 2013.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2014–07796 Filed 4–7–14; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Specimen Resource Locator (National Cancer Institute)

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 Cancer Institute (NCI), 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: Joanne Demchok, Program Director, Cancer Diagnosis Program, Division of Cancer Treatment and Diagnosis, 9609 Medical Center Drive, Rockville, Md. 20892 or call non-toll-free number 240–276–5959 or Email your request, including your address to: *peterjo@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

DATES: *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: Specimen Resource Locator, Existing Collection in Use without OMB Control Number, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The availability of specimens and associated data is critical to increase our knowledge of cancer biology, and to translate important research discoveries to clinical application. The discovery and validation of cancer prevention markers require access, by researchers, to quality clinical biospecimens. In response, to this need, the National Cancer Institute's (NCI) Cancer Diagnosis Program has developed, and is expanding, a searchable database: Specimen Resource Locator (SRL). The SRL allows scientist in the research community and the NCI to locate specimens needed for their research. The SRL will list all NCI supported repositories and their links. This administrative submission is an on-line form that will collect information to manage and improve a program and its resources for the use of all scientists. This submission does not involve any analysis.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 104.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
Private Sector, State and Federal Governments.	Initial Request	200	1	30/60	100
	Annual Update	50	1	5/60	4

Dated: March 25, 2014.

Vivian Horovitch-Kelley,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2014–07815 Filed 4–7–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Biomarkers for Diabetes, Digestive, Kidney and Urologic Diseases using Biosamples from NIDDK Repository (R01).

Date: June 2, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special, Emphasis Panel Human Islet Research Network-Consortium on Targeting and Regeneration (HIRN–CTAR)–RFA–DK–13–015.

Date: June 9, 2014.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS).

Dated: April 1, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–07736 Filed 4–7–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel SBIR Contract Review 2.

Date: April 29, 2014.

Time: 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Sailaja Koduri, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, 6701 Democracy Blvd., Room 1074, Bethesda, MD 20892, 301–435–0813, *Sailaja.koduri@nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel SBIR Contract Review 1.

Date: April 30, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Sailaja Koduri, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, 6701 Democracy Blvd., Room 1074, Bethesda, MD 20892, 301–435–0813, *Sailaja.koduri@nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel SBIR Contract Review Topic 006.

Date: April 30, 2014.

Time: 12:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Rahat Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, 6701 Democracy Blvd., Rm 1078, Bethesda, MD 20892, 301–894–7319, *khanr2@csr.nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel LRP 2014.

Date: May 7, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Barbara J. Nelson, Ph.D., Scientific Review Officer, Office of Grants Management & Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Room 1080, 1 Dem. Plaza, Bethesda, MD 20892–4874, 301–435–0806, *nelsonbj@mail.nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel SBIR Contract Review Topic 008.

Date: May 8, 2014.

Time: 8:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Rahat Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, 6701 Democracy Blvd., Rm 1078, Bethesda, MD 20892, 301–894–7319, *khanr2@csr.nih.gov.*

Dated: April 1, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–07737 Filed 4–7–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0167]

Prince William Sound Regional Citizens' Advisory Council Charter Renewal

AGENCY: Coast Guard, DHS.

ACTION: Notice of recertification.

SUMMARY: The purpose of this notice is to inform the public that the Coast Guard has recertified the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) as an alternative voluntary advisory group for Prince William Sound, Alaska. This certification allows the PWSRCAC to monitor the activities of terminal facilities and crude oil tankers under the Prince William Sound Program established by statute.

DATES: This recertification is effective for the period from March 1, 2014 through February 28, 2015.

FOR FURTHER INFORMATION CONTACT: LT Tom Pauser, Seventeenth Coast Guard District (dpi), by phone at (907) 463–2812, email at *thomas.e.pauser@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

As part of the Oil Pollution Act of 1990, Congress passed the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (Act), 33 U.S.C. 2732, to foster a long-term partnership among industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals and oil tankers.

On October 18, 1991, the President delegated his authority under 33 U.S.C. 2732(o) to the Secretary of Transportation in Executive Order 12777, section 8(g) (see 56 FR 54757; October 22, 1991) for purposes of certifying advisory councils, or groups, subject to the Act. On March 3, 1992, the Secretary redelegated that authority to the Commandant of the Coast Guard (see 57 FR 8582; March 11, 1992). The Commandant redelegated that authority to the Chief, Office of Marine Safety, Security and Environmental Protection (G–M) on March 19, 1992 (letter #5402).

On July 7, 1993, the Coast Guard published a policy statement, 58 FR 36504, to clarify the factors that shall be considered in making the determination as to whether advisory councils, or groups, should be certified in accordance with the Act.

The Assistant Commandant for Marine Safety and Environmental Protection (G–M), redelegated recertification authority for advisory councils, or groups, to the Commander, Seventeenth Coast Guard District on February 26, 1999 (letter #16450).

On September 16, 2002, the Coast Guard published a policy statement, 67 FR 58440, which changed the recertification procedures such that applicants are required to provide the Coast Guard with comprehensive information every three years (triennially). For each of the two years between the triennial application procedures, applicants submit a letter requesting recertification that includes a description of any substantive changes to the information provided at the previous triennial recertification. Further, public comment is not solicited prior to recertification during streamlined years, only during the triennial comprehensive review.

The Alyeska Pipeline Service Company pays the PWSRCAC $2.9 million annually in the form of a long term contract. In return for this funding, the PWSRCAC must annually show that it ''fosters the goals and purposes'' of OPA 90 and is ''broadly representative of the communities and interests in the vicinity of the terminal facilities and Prince William Sound.'' The PWSRCAC is an independent, nonprofit organization founded in 1989. Though it receives Federal oversight like many independent, non-profit organizations, it is not a Federal agency. The PWSRCAC is a local organization that predates the passage of OPA 90. The existence of the PWSRCAC was specifically recognized in OPA 90 where it is defined as an ''alternate voluntary advisory group.''

Alyeska funds the PWSRCAC, and the Coast Guard makes sure the PWSRCRC operates in a fashion that is broadly consistent with OPA 90.

Discussion of Comments

On January 22, 2014 the Coast Guard published a Notice of Availability; request for comments for recertification of Prince William Sound Regional Citizens' Advisory Council in the **Federal Register** (79 FR 3602). We received 71 letters commenting on the proposed action. No public meeting was requested. Of the 71 letters received, all 71 had positive comments. These letters consistently cited PWSRCAC's broad representation of the respective community's interest, appropriate actions to keep the public informed, improvements to both spill response preparation and spill prevention, and oil spill industry monitoring efforts that

combat complacency—as intended by the Act.

Recertification

By letter dated March 15, 2014, the Commander, Seventeenth Coast Guard certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on February 28, 2015.

Dated: March 15, 2014.

T.P. Ostebo,

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

[FR Doc. 2014–07836 Filed 4–7–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0134]

Agency Information Collection Activities: Request for Entry or Departure for Flights To and From Cuba

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

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Request for Entry or Departure for Flights To and From Cuba. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before June 9, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Request for Entry or Departure for Flights To and From Cuba.

OMB Number: 1651–0134.

Form Number: None.

Abstract: Until recently, direct flights between the United States and Cuba were required to arrive or depart from one of three named U.S. airports: John F. Kennedy International Airport, Los Angeles International Airport, and Miami International Airport. On January 28, 2011, Customs and Border Protection (CBP) regulations were amended to allow additional U.S. airports that are able to process international flights to request approval of CBP to process authorized flights between the United States and Cuba.

To be eligible to request approval to accept flights to and from Cuba, an airport must be an international airport, landing rights airport, or user fee airport, as defined and described in part 122 of the CBP regulations, and have adequate and up-to-date staffing, equipment and facilities to process international traffic. In order for an airport to seek approval to allow arriving and departing flights from Cuba, the port authority must send a written request to CBP requesting permission. Information about the program and how to apply may be found at *http://www.cbp.gov/newsroom/spotlights/2011–06-13-040000/dhs-cbp-approve-additional-us-ports-entry-flights-and-cuba.*

This information collection is authorized by 19 U.S.C.1433, 1644a, 8 U.S.C 1103, and provided for by 19 CFR 122.153.

Current Actions: This submission is being made to extend the expiration date of this information collection with a change to the burden hours resulting from revised estimates of the number of respondents. There is no change to the information being collected.

Type of Review: Extension (with change).

Affected Public: Businesses.

Estimated Number of Respondents: 2.

Estimated Total Annual Responses: 2.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 2.

Dated: March 31, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–07808 Filed 4–7–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of March 5, 2013.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on March 5, 2013. The next triennial inspection date will be scheduled for March 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 78 Pleasant Ave., South Portland, ME 04106, has been approved to gauge

petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Intertek USA, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–58	ASTM D–5191	Standard test method for vapor pressure of petroleum products (mini-method).
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–57	ASTM D–7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–05	ASTM D–4928	Standard test method for water in crude oils by Coulometric Karl Fischer Titration.
27–46	ASTM D–5002	Standard test method for density and relative density of crude oils by digital density analyzer.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–53	ASTM D–2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: April 2, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–07811 Filed 4–7–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of King Laboratories, Inc. as a Commercial Gauger and Laboratory

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

ACTION: Notice of accreditation and approval of King Laboratories, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that King Laboratories, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 10, 2013.

DATES: The accreditation and approval of King Laboratories, Inc., as commercial gauger and laboratory became effective on September 10, 2013. The next triennial inspection date will be scheduled for September 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that King Laboratories, Inc., 5009 S. MacDill Ave., Tampa, FL 33611, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. King Laboratories, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
9	Density Determinations.
12	Calculations.
17	Maritime measurement.

King Laboratories, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–02	D1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.

CBPL No.	ASTM	Title
27–53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.*

Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf*

Dated: April 2, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–07814 Filed 4–7–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Amspec Services, LLC, as a Commercial Gauger and Laboratory

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

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 26, 2013.

DATES: *Effective Dates:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on September 26, 2013. The next triennial inspection date will be scheduled for September 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 1818 A Federal Road, Galena Park, TX 77015, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

AmSpec Services, LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–46	ASTM D–5002	Standard test method for density and relative density.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–53	ASTM D–2709	Standard test method for water and sediment in middle distillate fuels by centrifuge.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.
27–14	ASTM D–2622	Standard test method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27–10	ASTM D–323	Standard test method for vapor pressure of petroleum products.
27–58	ASTM D–5191	Standard test method for vapor pressure of petroleum products (mini-method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border

Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: April 2, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–07809 Filed 4–7–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–09]

60-Day Notice of Proposed Information Collection: Loan Sales Bidder Qualification Statement

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 9, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: John Lucey, Acting Director, Asset Sales Office, Room 3136, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–8000; telephone 202–708–2625, extension 3927 or Kiara Griggs, Attorney, Office of Insured Housing, Multifamily Division, Room 9230; telephone 202–708–0614, extension 4797. Hearing- or speech-impaired individuals may call 202–708–4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HUD Loan Sale Bidder Qualification Statement.

OMB Approval Number: 2502–0576.

Type of Request: Extension of currently approved collection.

Form Number: HUD—90092.

Description of the need for the information and proposed use: The Qualification Statement solicits from Prospective bidders to the HUD Loan Sales the basic qualifications required for bidding including but not limited to, Purchaser Information (Name of Purchaser, Corporate Entity, Address, Tax ID), Business Type, Net Worth, Equity Size, Prior History with HUD Loans and prior sales participation. By executing the Qualification Statement, the purchaser certifies, represents and warrants to HUD that each of the statements included are true and correct as to the purchaser and thereby qualifies them to bid.

Respondents (i.e. affected public): Business.

Estimated Number of Respondents: 542.

Estimated Number of Responses: 1264.

Frequency of Response: On occasion.

Average Hours per Response: 0.5 hours.

Total Estimated Burdens: 316.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 28, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–07818 Filed 4–7–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–36]

30-Day Notice of Proposed Information Collection: FHA Stakeholder Feedback for the New FHA Single Family Policy Handbook

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 8, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection

described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 22, 2013.

A. Overview of Information Collection

Title of Information Collection: FHA Stakeholder Feedback for the New FHA Single Family Policy Handbook.

OMB Approval Number: 2502-New.

Type of Request: New collection.

Form Number: None.

Description of the need for the information and proposed use: FHA is developing a new FHA Single Family Policy Handbook (SF Handbook). The handbook is a single, consolidated and authoritative source for FHA Single family Housing Policy. The handbook will make it easier to do business with FHA Single Family by:

- Consolidating policy into one Handbook
- Using simple, more directive language
- Aligning the flow of the handbook to the lender/mortgage process.

Without feedback, FHA's final Handbook would lack critical revisions or changes that would improve its usefulness. In particular, obtaining feedback permits FHA to have a handbook that helps lenders and appraisers quickly find needed information and reduces the need for them to obtain clarification and direction on existing and changing policy.

Respondents: (i.e. affected public): Business or other for-profit.

Estimated Number of Respondents: 4,020.

Estimated Number of Responses: 9,200.

Frequency of Response: Varies.

Average Hours per Response: .5.

Total Estimated Burdens: 4,600.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: April 3, 2014.

Colette Pollard,

Department Reports Management Officer Office of the Chief Information Officer.

[FR Doc. 2014–07817 Filed 4–7–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5A211.IA000413]

Contract Support Costs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of tribal consultation; extension of comment deadline.

SUMMARY: The Assistant Secretary—Indian Affairs, in conjunction with the Acting Director, Indian Health Service (IHS), will conduct a consultation session with Indian tribes to work together to identify long-term solutions concerning contract support costs (CSC) as it relates to the Fiscal Year (FY) 2014 Consolidated Appropriations Act.

DATES: The consultation session will be held on Tuesday, May 6, 2014, from 3:30 p.m. to 5:00 p.m. Written comments must be received July 31, 2014.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section of this notice for the location of the tribal consultation session. Submit comments by email to: *consultation@bia.gov* or by U.S. mail to: Office of the Assistant Secretary—Indian Affairs, U.S. Department of the Interior, attn: Sequoyah Simermeyer, Mail Stop 3071 MIB, 1849 C Street NW., Washington DC, 20240.

FOR FURTHER INFORMATION CONTACT: Sequoyah Simermeyer, Deputy Chief of Staff, Office of the Assistant Secretary—Indian Affairs, (202) 208–7163.

SUPPLEMENTARY INFORMATION: The Assistant Secretary—Indian Affairs, in conjunction with the Acting Director, IHS, will conduct a consultation session on CSC at the Crystal Gateway Marriott Hotel, 1700 Jefferson Davis Highway, Arlington, VA 22201, from 3:30 p.m. to 5:00 p.m. on Tuesday, May 6, 2014, during the 2014 Tribal Self Governance Annual Consultation Conference. This notice is being published as soon as was practicable to ensure that we take this opportunity to meet with tribal representatives while they are in Arlington for the conference. This consultation session follows the consultation session held on the same topic at the National Congress of American Indians (NCAI) Executive Winter Session in March 2014. This notice also extends the deadline for submission of written comments to July 31, 2014.

The FY 2014 Consolidated Appropriations Act includes funding to implement the Indian Self-Determination and Education Assistance Act of 1975 and authorizes discretionary appropriations for CSC for both the Bureau of Indian Affairs (BIA) and IHS. The Act did not limit the amount available in the FY, as in prior years, for the payment of CSC, nor did it include the proposal put forth in the Administration's FY 2014 budget request that would place a cap on the CSC amounts available for each tribal contract or compact. Instead, as set forth in the Joint Explanatory Statement accompanying the Act, Congress ''remanded back to the agencies to resolve'' the determination of CSC amounts to be paid from within the FY 2014 appropriation.

Congress further directed BIA and IHS to consult with the tribes and work with the House and Senate committees of jurisdiction, the Office of Management and Budget, and the Committees on Appropriations to formulate long-term accounting, budget, and legislative strategies to work on solutions going forward. Congress indicated that the solution should consider a standardized approach that streamlines the contract negotiation process, provides consistent and clear cost categories, and ensures efficient and timely cost documentation for the agencies and the tribes. This session will allow for broad input regarding these activities.

The BIA and IHS plan to continue consultation throughout the following months as each agency addresses implementation of its work plan, required to be submitted to Congress by May 17, 2014. The work plans will detail the schedule of future consultation sessions and they will be made available as soon as possible.

Dated: April 2, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–07735 Filed 4–7–14; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000814]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of an amendment to the Class III Tribal-State Gaming Compact (Amendment) between the Lummi Tribe of the Lummi Reservation and the State of Washington.

DATES: *Effective Date:* April 8, 2014.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compact amendments are subject to review and approval by the Secretary. The Amendment changes the definition of ''gaming facility.''

Dated: March 31, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–07823 Filed 4–7–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14926–A; LLAK940000–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Decision Approving Lands for Conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the Bureau of Land Management (BLM) to The Kuskokwim Corporation, Successor in Interest to Chuathbaluk Company. The decision approves the surface estate in the lands described below for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The subsurface estate in these lands will be conveyed to Calista Corporation when the surface estate is conveyed to The Kuskokwim Corporation, Successor in Interest to Chuathbaluk Company. The lands are in the vicinity of Chuathbaluk, Alaska, and are located in:

Seward Meridian, Alaska
T. 17 N., R. 54 W.,
Sec. 24.
Containing 543.61 acres.
T. 18 N., R. 56 W.,
Sec. 12.
Containing 616.81 acres.
Aggregating 1,160.42 acres.

Notice of the decision will also be published once a week for four consecutive weeks in the *Delta Discovery.*

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 8, 2014 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@blm.gov.* Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

Joe J. Labay,

Land Transfer Resolution Specialist, Division of Lands and Cadastral.

[FR Doc. 2014–07855 Filed 4–7–14; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–11774–B, AA–11774–D, AA–11774–E, AA–11774–G, AA–11774–L, AA–11774–M, AA–11774–N, AA–11774–P, AA–11776–B, AA–11776–G, AA–11776–H, AA–11777–A, AA–11777–B, LLAK–944000–L14100000–HY0000–P]

Alaska Native Claims Selections

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that the Bureau of Land Management (BLM) will issue an appealable decision to Koniag, Inc. The decision will approve conveyance of the surface and subsurface estates in certain lands pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The lands are located southeast of Ugashik, Alaska, and aggregate 46.82 acres. Notice of the decision will also be published once a week for four consecutive weeks in the *Anchorage Daily News.*

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 8, 2014 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@blm.gov.* Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339

to contact the BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

Dina L. Torres,

Land Transfer Resolution Specialist Division of Lands and Cadastral.

[FR Doc. 2014–07852 Filed 4–7–14; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–OIA–14775; PIN00IO14.XI0000]

Submission of U.S. Nomination to the World Heritage List

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior is submitting a nomination to the World Heritage List for the San Antonio Missions in Texas, consisting of most of San Antonio Missions National Historical Park as well as the Alamo, a National Historic Landmark. This is the third notice required by the National Park Service's World Heritage Program regulations.

DATES: The World Heritage Committee will likely consider the nomination at its 39th annual session in mid-2015.

FOR FURTHER INFORMATION CONTACT: Stephen Morris, Chief, Office of International Affairs at 202–354–1803 or Jonathan Putnam, International Cooperation Specialist at 202–354–1809. Complete information about U.S. participation in the World Heritage Program and the process used to develop the U.S. World Heritage Tentative List is posted on the National Park Service, Office of International Affairs Web site at: *http://www.nps.gov/oia/topics/worldheritage/worldheritage.htm.*

To request paper copies of documents discussed in this notice, please contact April Brooks, Office of International Affairs, National Park Service, 1201 Eye Street NW., (0050) Washington, DC 20005; Email: *April_Brooks@nps.gov.*

SUPPLEMENTARY INFORMATION: This constitutes the official notice of the decision by the United States Department of the Interior to submit a nomination to the World Heritage List for the ''San Antonio Missions'' in Bexar County and Wilson County, Texas, and serves as the Third Notice referred to in 36 CFR 73.7(j) of the World Heritage Program regulations (36 CFR part 73).

The nomination is being submitted through the U.S. Department of State to the World Heritage Centre of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for consideration by the World Heritage Committee, which will likely occur at the Committee's 39th annual session in mid-2015.

This property has been selected from the U.S. World Heritage Tentative List, where it was listed as ''San Antonio Franciscan Missions.'' The Tentative List consists of properties that appear to qualify for World Heritage status and which may be considered for nomination by the United States to the World Heritage List.

The U.S. World Heritage Tentative List appeared in a **Federal Register** notice on March 5, 2012 (77 FR 13147–13149), with a request for public comment on possible nominations from the 13 sites on the Tentative List. A summary of the comments received, the Department of the Interior's responses to them and the Department's decision to request preparation of this nomination appeared in a subsequent **Federal Register** Notice published on June 26, 2012 (77 FR 38078–38081). These are the First and Second Notices required by 36 CFR 73.7(c) and (f).

In making the decision to submit this U.S. World Heritage nomination, pursuant to 36 CFR 73.7(h) and (i), the Department's Principal Deputy Assistant Secretary for Fish and Wildlife and Parks evaluated the draft nomination and the recommendations of the Federal Interagency Panel for World Heritage. She determined that the property meets the prerequisites for nomination by the United States to the World Heritage List that are detailed in 36 CFR part 73. It is nationally significant, as it comprises areas within a Congressionally-designated National Historical Park and a site designated by the Department of the Interior as a National Historic Landmark. The owners of the site, which include the United States Government, the Texas General Land Office, the Texas Parks and Wildlife Department, the San Antonio River Authority, the City of San Antonio, Bexar County, the Catholic Archdiocese of San Antonio, the San Juan Ditch Water Supply Corporation, and the Espada Ditch Company, have concurred in writing with the nomination, and the property is well protected legally and functionally as documented in the nomination. It appears to meet the World Heritage criteria for cultural properties.

The San Antonio Missions are nominated under World Heritage cultural criteria (ii), (iii) and (iv) as provided in 36 CFR 73.9(b)(1), as the most complete and most intact example of the Spanish Crown's efforts to colonize, evangelize, and defend the northern frontier of New Spain during the period when Spain controlled the largest empire in the world. Situated along a 7.7-mile stretch of the San Antonio River, these five Spanish colonial mission complexes were built in the early eighteenth century. The missions' more than fifty standing structures, archaeological resources, and landscape features include *labores,* a *rancho,* residences, a grist mill, granaries, workshops, wells, lime kilns, churches, *conventos,* and perimeter walls for protection. The ensemble of missions includes extensive agricultural irrigation systems of *acequias,* dams, and an aqueduct. The San Antonio Missions also meet with the test of authenticity and have adequate legal, contractual, or traditional protection and management mechanisms to ensure their conservation pursuant to 36 CFR 73.9(b)(2).

The World Heritage List is an international list of cultural and natural properties nominated by the signatories to the World Heritage Convention (1972). The United States was the prime architect of the Convention, an international treaty for the preservation of natural and cultural heritage sites of global significance proposed by President Richard M. Nixon in 1972, and the U.S. was the first nation to ratify it. The World Heritage Committee, composed of representatives of 21 nations elected as the governing body of the World Heritage Convention, makes the final decisions on which nominations to accept on the World Heritage List at its annual meeting each summer. The United States has served four terms on the World Heritage Committee, but is not currently a member.

There are 981 World Heritage sites in 160 of the 190 signatory countries. The United States has 21 sites inscribed on the World Heritage List.

U.S. participation and the role of the Department of the Interior are authorized by Section 401 of Title IV of the Historic Preservation Act Amendments of 1980, (16 U.S.C. 470a–1), and conducted by the Department through the National Park Service in accordance with the regulations at 36 CFR part 73 which implement the Convention pursuant to the 1980 Amendments. The Department of the Interior has the lead role for the U.S. Government in the implementation of the Convention; the National Park Service serves as the principal technical agency within the Department for World

Heritage matters and manages all or parts of 19 of the 21 U.S. World Heritage Sites.

The World Heritage Committee's *Operational Guidelines* require participating nations to provide tentative lists, which aid in evaluating properties for the World Heritage List on a comparative international basis and help the Committee to schedule its work. The current U.S. Tentative List was transmitted to the UNESCO World Heritage Centre on January 24, 2008.

Neither inclusion in the Tentative List nor inscription as a World Heritage Site imposes legal restrictions on owners or neighbors of sites, nor does it give the United Nations any management authority or ownership rights in U.S. World Heritage Sites, which continue to be subject only to U.S. federal and local laws, as applicable.

Dated: March 25, 2014.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–07832 Filed 4–7–14; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15142; PPWOCRADN0–PCU00RP14.R50000]

Native American Graves Protection and Repatriation Review Committee: Nomination Solicitation

AGENCY: National Park Service, Interior.

ACTION: Notice of nomination solicitation.

SUMMARY: The National Park Service is soliciting nominations for one member of the Native American Graves Protection and Repatriation Review Committee. The Secretary of the Interior will appoint the member from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders. The nominee must be a traditional Indian religious leader.

Nominations must include the following information.

1. Nominations by traditional religious leaders: Nominations must be submitted with the nominator's original signature and daytime telephone number. The nominator must state that he or she meets the definition of traditional religious leader.

2. Nominations by Indian tribes or Native Hawaiian organizations: Nominations must be submitted on official tribal or organization letterhead with the nominator's original signature and daytime telephone number. The nominator must be the official authorized by the tribe or organization to submit nominations in response to this solicitation. The nomination must include a statement that the nominator is so authorized.

3. A nomination must include the following information:

a. the nominee's name, postal address, daytime telephone number, and email address;

b. nominee's resume or brief biography emphasizing the nominee's NAGPRA experience and ability to work effectively as a member of an advisory board; and

c. that the nominee meets the definition of traditional religious leader found at 10 CFR 10.2(d)(3).

DATES: Nominations must be received by July 7, 2014.

ADDRESSES: Address nominations to Sherry Hutt, Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee, National NAGPRA Program, National Park Service, 1849 C Street NW (2253), Washington, DC 20240. Nominations may be submitted as attachments to an email sent to *Sherry_Hutt@nps.gov*.

FOR FURTHER INFORMATION CONTACT: Sherry Hutt, Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee, National NAGPRA Program, National Park Service, 1849 C Street NW (2253), Washington, DC 20240, by telephone (202) 354–1479, or email: *sherry_hutt@nps.gov*.

SUPPLEMENTARY INFORMATION:

1. The Review Committee was established by the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), at 25 U.S.C. 3006.

2. The Review Committee is responsible for—

a. monitoring the inventory and identification process conducted under sections 5 and 6 of NAGPRA (25 U.S.C. 3003 and 3004);

b. reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items;

c. facilitating the resolution of disputes;

d. compiling an inventory of culturally unidentifiable human remains and developing a process for disposition of such remains;

e. consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the Review Committee affecting such tribes or organizations;

f. consulting with the Secretary of the Interior in the development of regulations to carry out NAGPRA; and

g. making recommendations regarding future care of repatriated cultural items.

3. Seven members compose the Review Committee. All members are appointed by the Secretary of the Interior. The Secretary may not appoint Federal officers or employees to the Review Committee.

a. Three members are appointed from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders. At least two of these members must be traditional Indian religious leaders.

b. Three members are appointed from nominations submitted by national museum organizations and scientific organizations.

c. One member is appointed from a list of persons developed and consented to by all six of the members identified in a. and b.

4. Members serve as Special Governmental Employees, which includes the completion of annual ethics training.

5. Appointment terms: Members are appointed for 4-year terms, and incumbent members may be reappointed for 2-year terms.

6. The Review Committee's work is completed during public meetings. The Review Committee normally meets two times per year, and each meeting is normally two days. The Review Committee may also hold one or more public teleconferences of several hours duration.

7. Compensation: Review Committee members are compensated for their participation in Review Committee meetings.

8. Reimbursement: Review Committee members are reimbursed for travel expenses incurred in association with Review Committee meetings.

9. Additional information regarding the Review Committee—including the Review Committee's charter, meeting protocol, and dispute resolution procedures—is available on the National NAGPRA Program Web site: *www.nps.gov/nagpra* (click ''Review Committee'' in the menu on the right).

10. The terms ''Indian tribe'' and ''Native Hawaiian organization'' are defined in statute at 25 U.S.C. 3001(7) and (11). ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native Village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. ''Native Hawaiian organization'' means any organization which serves and represents the interests of Native Hawaiians; has as a

primary stated purpose the provision of services to Native Hawaiians; and has expertise in Native Hawaiian affairs. ''Native Hawaiian organization'' includes the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei. ''Traditional religious leader'' is not defined in statute, but is defined in regulation at 43 CFR 10.2(d)(3).

Dated: April 1, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–07660 Filed 4–7–14; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–394–A and 399–A (Third Review)]

Ball Bearings and Parts Thereof From Japan and the United Kingdom; Termination of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The subject five-year reviews were initiated in January 2014 to determine whether revocation of the antidumping duty orders on ball bearings and parts thereof from Japan and the United Kingdom would be likely to lead to continuation or recurrence of material injury. On March 26, 2014, the Department of Commerce published notice that it was revoking the orders effective September 15, 2011 (the fifth anniversary of the most recent notice of continuation of the antidumping duty orders), because ''no domestic interested party filed a notice of intent to participate'' (79 FR 16771). Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), the subject reviews are terminated.

DATES: Effective Date: March 27, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202–205–3200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR 207.69).

By order of the Commission.

Issued: April 2, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–07770 Filed 4–7–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 12–2]

Howard N. Robinson, M.D.; Decision and Order

On March 1, 2012, Chief Administrative Law Judge (ALJ) John J. Mulrooney, II, issued the attached Recommended Decision.[1] The Government filed Exceptions to the ALJ's Decision. Thereafter, Respondent moved to file a Response to the Exceptions, and upon the ALJ's granting of his motion, filed a Response.

Having considered the entire record, including the Government's Exceptions and Respondent's Response to them, I have decided to adopt the ALJ's findings of fact and conclusions of law with the exception of his conclusion that Respondent violated 21 CFR 1307.21(a)(1). *See Jeffery J. Becker, D.D.S.,* 77 FR 72387, 72387–88 (2012); *see also* R.D. at 36, 41. Moreover, while I agree with the ALJ's conclusion that Respondent ''has successfully shown cause why his [registration] should not be revoked,'' R.D. at 44, and reject the Government's contention that Respondent has not put forward sufficient evidence to establish that he can be entrusted with a registration, I conclude that additional requirements should be imposed on his registration to protect the public interest. A discussion of the Government's Exceptions follows.

Exception One—Respondent Has Not Provided ''Sufficient Mitigating Evidence'' To Demonstrate That He Can Be Entrusted With a Registration

The Government contends that Respondent has not provided sufficient evidence of the remedial measures he has undertaken to prevent the recurrence of some of the violations he committed and ''to prevent future diversion.'' Exceptions at 3. With respect to the former, the Government points to Respondent's failure to complete the order forms for schedule II controlled substances (DEA Form 222s) by noting the number of commercial or bulk containers received and the date of receipt. Exceptions at 2–3; *see also* 21 CFR 1305.13(d). In the Government's view, while Respondent produced evidence that he is now keeping the forms in a separate folder and apart from other records, ''[t]he record evidence does not support that [he] is properly completing'' them. *Id.* at 3. The Government also contends that ''Respondent has not demonstrated that he has a system in place to prevent future diversion of controlled substances'' because he acknowledged that he is not in the office every day and controlled substances deliveries may occur on day when he is not present. *Id.* at 4. Finally, the Government contends that the ALJ misapplied Agency precedent when he concluded that the record as a whole does not support revocation. *Id.* at 6–8.

With regard to the completion of the Form 222s, the Government completely ignores the testimony and report of Respondent's Expert, who reviewed his recordkeeping and procedures. As the Expert testified, while Respondent ''was not aware of his obligations and requirements . . . once he was informed, he took every action possible to correct them [the violations] and [did so] as quickly as possible.'' Tr. 397. Respondent's Expert further testified that with the exception of one suggestion, on which Respondent immediately took action, he ''found total compliance at the clinic'' and that ''everything else was in complete compliance.'' *Id.*

Moreover, in his second report, Respondent's Expert found that Respondent ''now properly completes the check in procedures by listing the amount received and the date received on both the filled 222 forms and the perpetual narcotic inventory log book.'' RX 18, at 2. *See also* RX 17 (expert's report) (noting that while Respondent ''may not have fully complied with certain record keep[ing] obligations prior to the DEA investigation, . . . [w]hen the oversights were identified, he took immediate action to correct all problematic issues pointed out to him, in a timely fashion''); *id.* (''My review of the current procedures and operations of the clinic confirm that all corrective action has taken place and *all regulations are being followed.*'') (emphasis added). While the ALJ was not impressed by the Expert's various attempts to excuse Respondent's

[1] For purposes of citation, the ALJ's Recommended Decision is abbreviated as R.D. All citations to the ALJ's Recommended Decision are to the slip opinion as issued by him.

failings,[2] he nonetheless found that his testimony ''was sufficiently detailed, authoritative and candid to be credited.'' R.D. at 20. Accordingly, the Expert's testimony and report provide substantial evidence, that in the absence of refutation by the Government, establishes that Respondent is in compliance with the requirements of 21 CFR 1305.13(d).

As noted above, the Government also contends that Respondent lacks effective controls against diversion based on his testimony that he is not at the clinic every day of the week and may not be present when controlled substances are delivered. Exceptions at 3–5. The Government takes issue with the adequacy of Respondent's controls, because he is now the only person at the clinic who has access to the controlled-substances cabinet and has directed the clinic staff not to open any shipments if he is not present.

Neither the CSA nor DEA regulations require, however, that a registrant be present at his registered location whenever controlled substances are delivered to it. And while the controlled substances must be ''stored in a securely locked, substantially constructed cabinet,'' 21 CFR 1301.75(b), nothing in the CSA or DEA regulations prohibits a registrant from designating a properly-screened and trustworthy employee (or appointing an agent from the clinic's properly-screened employees if he is not the owner) to accept the delivery and place the controlled substances in the controlled-substances cabinet.

Indeed, it is undoubtedly the case that numerous clinics throughout the country receive deliveries of controlled substances when their registrants are not present and place them in the controlled-substances cabinet, and yet the Government points to no evidence that such practices create a substantial risk of diversion. While diversion clearly occurred here, the evidence establishes that this was the result of the actions of a rogue employee, who happened to be a convicted drug smuggler and who was subsequently terminated. *See* RX 21. To be sure, adherence to DEA regulations, in particular 21 CFR 1301.76(a),[3] would likely have entirely prevented this (as would have a periodic review of the narcotic log book). That being said, there is no basis to conclude that a registrant's practice of authorizing a non-registrant to accept deliveries and place the drugs in the controlled-substances cabinet, establishes that the registrant lacks an adequate system for monitoring the receipt of controlled substances, 21 CFR 1301.71(b)(14), or lacks effective controls against diversion. *Id.* § 1301.71(a).

Finally, the Government contends that the ALJ misapplied two recent Agency cases, when he explained that they stand for the proposition that '' 'when considering recordkeeping violations, the Agency has coupled consideration of the degree of severity with an analysis of whether the registrant has both acknowledged culpability and demonstrated credible efforts aimed at correction.' '' Exceptions at 7 (quoting R.D. at 34) (discussing *Ideal Pharmacy Care, Inc., d/b/a Esplanade Pharmacy Care, Inc.,* 76 FR 51415, 51416 (2011), and *Terese, Inc., d/b/a Peach Orchard Drugs,* 76 FR 46843, 46848 (2011)). The Government contends that the ALJ's conclusion that revocation is not supported by the record is misplaced, because the evidence shows that ''the recordkeeping violations include more than non-egregious recordkeeping violations, such as the failure to account for significant deviations of controlled substances and the failure of Respondent to correct all violations.'' *Id.* Later, relying on *Ideal Pharmacy,* a case in which I revoked a pharmacy's registration based on large shortages of controlled substances, the Government argues that its audit of Respondent's handling of controlled substance activities showed percentage deviations comparable to those found in *Ideal,* and ''represent significant amounts of controlled substances for which Respondent could not account and thus, on this basis alone, warrant revocation.'' Exceptions at 8.

While the shortages and overages found in the Government's audit are sufficiently significant to support a revocation order, *see Paul Weir Battershell,* 76 FR 44359, 44368 (2011), the audit results here must be considered along with the evidence as to their underlying cause,[4] and in any event, to adopt the Government's position would require overruling thirty years of agency precedent. *See, e.g., Leo R. Miller,* 53 FR 21931, 21932 (1988); *David E. Trawick,* 53 FR 5326, 5327 (1988). Whether there may be a case in which a registrant's misconduct is so egregious, that the protection of the public interest would require revocation even if the registrant accepted responsibility and undertook remedial measures, I need not decide.[5] Here, Respondent's misconduct cannot be characterized as anything more than negligence, and as the ALJ found, Respondent has fully accepted responsibility and demonstrated that he is not likely to commit similar omissions in the future. R.D. at 43–44.

Accordingly, I reject the Government's contention that revocation is warranted. However, because I find that Respondent's misconduct is serious, and led to the diversion of controlled substances, I conclude that additional sanctions are necessary to protect the public interest. Consistent with the sanctions I have ordered in other cases, *see Battershell,* 76 FR at 44369, I conclude that a suspension of Respondent's registration is warranted.

Accordingly, I will order that Respondent's registration be suspended for a period of six months. However, in light of Respondent's acceptance of responsibility and the unrefuted evidence that upon being informed of

[2] For example, the Expert noted that Respondent ''was not a full time practitioner'' at the clinic, RX 18, at 2, and that ''much of the problem stems from his good faith reliance on the professionalism of other co-workers and employees at the clinic, the licensed Consultant Pharmacist, and other regulatory agencies to do their jobs correctly.'' *Id.* at 3.

The Government also notes the Expert's ''testimony that it is legal to destroy all narcotics by flushing [them] down the toilet, that he had followed this practice for 30 years, and that in the past, he had not contacted the Special Agent in Charge regarding the destruction of controlled substances.'' Exceptions at 6. The Government contends that the Expert's ''testimony exhibits a disregard of federal law and therefore, should not constitute sufficient mitigating evidence to assure the Administrator that he can be entrusted with [the] responsibility of carrying such a registration.'' *Id.* (citations omitted).

As an initial matter, whether the Expert can be entrusted with a registration is not at issue in this proceeding. Moreover, even assuming that the Government meant that the Expert's testimony should not be credited because of his putative disregard for federal law, as recently explained, the Agency's disposal regulation is not a model of clarity and the Expert is hardly alone in his views. *See Jeffery J. Becker,* 77 FR at 72388 n.3 (noting testimony of dentist-anesthesiologist and professor emeritus at Ohio State University regarding standard practice of Ohio dentists, who perform sedation, as to the disposal of excess drug). Finally, I am satisfied that in finding the Expert's testimony credible, the ALJ properly considered both that which supported, and that which detracted from, crediting his testimony.

[3] This regulation provides, in relevant part, that a ''registrant shall not employ as an agent or employee who has access to controlled substances, any person who has been convicted of a felony offense relating to controlled substances.'' 21 CFR 1301.76(a). While Respondent did not hire the employee, he is still responsible for ensuring compliance with agency regulations at his registered location.

[4] In *Ideal Pharmacy,* the audit results found shortages of nearly 150,000 dosage units of hydrocodone drugs, more than 83,000 dosage units of alprazolam, and more than 1.6 million milliliters of promethazine with codeine. 76 FR at 51416. While the registrant waived its right to a hearing, it is doubtful that it could have put on any evidence to rebut the conclusion that its principals were engaged in a scheme to intentionally divert drugs.

[5] *See Robert Raymond Reppy,* 76 FR 61154 (2011); *Paul H. Volkman,* 73 FR 30630 (2008).

the violations, he immediately undertook remedial measures, I will stay the suspension and place Respondent on probation for a period of three years to begin on the date of this Order. Said suspension shall be vacated upon Respondent's successful completion of the probationary period.

In addition, I will adopt, but modify, the second and third conditions proposed by the ALJ.[6] With respect to the ALJ's recommendation that Respondent submit reports, at sixty-day intervals, regarding monthly regulatory compliance inspections, I conclude that such inspections need only be conducted on a quarterly basis ending on March 31st, June 30th, September 30th, and December 31st. Said inspections must be conducted by an independent and state-licensed consultant pharmacist and must include an audit of Respondent's controlled-substance handling, which must be verified for accuracy and signed by Respondent. The consultant pharmacist's report, which must identify any violations of controlled-substance regulations, along with a copy of the quarterly audit, must be submitted to the local DEA field office no later than fifteen (15) days after the close of each quarter. In the event Respondent materially fails to comply with this provision, his registration shall be subject to an order of Immediate Suspension.

In addition, within fifteen days of the date of issuance of this Order, Respondent shall execute a document manifesting his consent to inspections by DEA personnel and waiving his right to require that DEA personnel obtain an administrative inspection warrant prior to conducting any inspection. In the event Respondent fails to execute said document, his registration will be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I hereby order that the DEA Certificate of Registration issued to Howard N. Robinson, M.D., be, and it hereby is, continued, subject to the conditions set forth above. This order is effective immediately.

Dated: March 27, 2014.

Michele M. Leonhart,

Administrator.

Robert C. Gleason, Esq., and *Dedra Curteman, Esq.,* for the Government *Jason M. Wandner, Esq.,* for the Respondent

Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge

Chief Administrative Law Judge John J. Mulrooney, II. On September 7, 2011, the Deputy Assistant Administrator of the Drug Enforcement Administration (DEA or Government), issued an Order to Show Cause (OSC) proposing to revoke the DEA Certificate of Registration (COR), Number AR8666109[7] of Howard Robinson, M.D., (Respondent), pursuant to 21 U.S.C. § 824(a)(4), and deny any pending applications for renewal or modification. On October 6, 2011, the Respondent, through counsel, timely filed a request for hearing with the DEA Office of Administrative Law Judges (OALJ). The requested hearing was conducted in Miami, Florida on November 29–30, 2011.

The issue ultimately to be adjudicated by the Administrator, with the assistance of this recommended decision, is whether the record as a whole establishes, by substantial evidence, that the Respondent's COR should be revoked as inconsistent with the public interest, as that term is used in 21 U.S.C. §§ 823(f) and 824(a).

After carefully considering the testimony elicited at the hearing, the admitted exhibits, the arguments of counsel, and the record as a whole, I have set forth my recommended findings of fact and conclusions of law below.

The Allegations

The OSC issued by the Government contends that revocation of the Respondent's COR is appropriate because: (1) An audit of the Respondent's records revealed a number of unexplained recordkeeping abnormalities with regard to stocks of controlled substances, in violation of 21 U.S.C. §§ 827(a)(3), 842(a)(5) and 21 CFR §§ 1304.03–04, 1304.21; (2) the Respondent ''failed to maintain inventories and records of Schedule I and II controlled substances separately from all other records,'' in violation of 21 CFR 1304.04(f)(1); (3) the Respondent ''failed to properly record on a DEA Form 222, the number of Schedule II commercial or bulk containers and the dates on which the containers were received in violation of 21 CFR 1305.13(e);'' (4) the Respondent ''failed to properly dispose of controlled substances in violation of 21 CFR § 1307.21(a)(1);'' (5) the Respondent ''failed to record nine shipments of Schedule II controlled substances that were transferred from [his] registered address in violation of 21 CFR § 1305.03;'' (6) the Respondent ''failed to maintain a biennial inventory of the controlled substances on the premises of [his] registered location and failed to properly maintain records for the controlled substances in violation of 21 CFR §§ 1304.11(c) and 1304.21a(a);'' (7) the Respondent allowed a nurse anesthetist on his staff to place orders for controlled substances under the authority of his COR without having first executed a power of attorney as required by the regulations; and (8) the Respondent did not have access to the controlled substances in his office, and thus ''failed to provide an adequate system for monitoring the receipt, distribution and disposition of controlled substances,'' in violation of 21 CFR § 1301.71.

The Stipulations of Fact

The Government and the Respondent, through counsel, have entered into stipulations regarding the following matters:

(1) The Respondent is an employee of Premiere Center for Cosmetic Surgery (PCCS), which is owned by VM.[8]

(2) The Respondent has not been charged or convicted with any criminal offense in relation to the underlying cause.

(3) The Respondent has not been disciplined by the State of Florida

[6] In its Exceptions, the Government takes issue with the ALJ's criticism of its invocation of the law enforcement privilege when its lead DI was questioned as to whether she knew the identity of a person who had called her and alleged that the clinic's owner (and not Respondent) was a drug abuser and diverter. Notably, while the Government initially argued that the issue is moot, *see* ALJ Ex. 25, at 2; in its Exceptions, the Government now argues that it is not. *See* Exceptions at 8 (citing *Norman* v. *Reed,* 502 U.S. 279, 287–88 (1992) (issue not moot if capable of repetition yet evading review)).

Upon review, I conclude that the Government's initial view is correct because the DI ultimately answered the question, and testified that she did not know the caller's identity. As for whether the issue is capable of repetition yet evading review, many of the points made in the ALJ's Addendum are well taken and it is expected that they will be carefully studied by Government counsel. Thus, I conclude that it is speculative to conclude that Government counsel will, in the future, attempt to invoke the privilege in a factually similar circumstance, *i.e.,* where it has elicited testimony regarding allegations of misconduct from a putatively anonymous source without first determining whether its witness knows the identity of the person and obtaining the requisite approval to invoke the privilege if necessary.

Finally, as the ALJ acknowledged, ''the Respondent's case was not prejudiced in any cognizable manner.'' R.D. at 49. Accordingly, I decline to publish the Addendum.

[7] A copy of Respondent's COR and a certification of Respondent's registration history have been admitted into the record as Government Exhibits 1 and 2, respectively. Respondent previously possessed COR Number BR9176238. Gov't Ex. 13. However, on January 4, 2011, Respondent voluntarily surrendered the BR9176238 registration as surplusage. Gov't Ex. 13, at 2; Tr. at 67–69.

[8] *See* Addendum.

Department of Health for the allegations in the underlying cause.

(4) The Respondent has not materially falsified any application.

(5) The Respondent has not been excluded from participation in any program.

The Evidence

The Government's case-in-chief rested on the testimony of a single witness, Diversion Investigator (DI) Victoria McRae. DI McRae testified that she has been a Diversion Investigator with the DEA since 1988 and that she has been stationed in the DEA's Miami Field Division since November of 1989. Tr. 35–37. DI McRae testified that she has a college degree and has completed numerous DEA training evolutions. Tr. 37–38.

Regarding the merits of the case, DI McRae testified that, on September 20, 2010, she received a telephone call from a ''person who wished to remain anonymous,'' who informed DI McRae that ''there was a nurse anesthetist at a medical office that appeared to be abusing controlled substances and was self-administering.'' Tr. 38–39. The caller identified the alleged drug abuser as VM, the owner of PCCS in Coconut Grove, Florida. Tr. 39. In this regard, the caller informed DI McRae that: (1) There were ''bloody gauze strips left in a bathroom;'' (2) ''there was drug paraphernalia in the trash cans;'' (3) ''everyone at the office was aware of behavior by [VM] that looked like drug activity;'' and (4) the Chief Operating Officer of the PCCS clinics, an ex-boyfriend of VM, ''had the employees at both of the locations sign a form stating that they were not going to spread any rumors about any activities by [VM].'' [9] Tr. 40. The caller told DI McRae that ''patients were not given enough medication while they were on the operating table [a]nd that some of the patients were squirming because they hadn't had enough.'' Tr. 61–62. Finally, the caller stated that controlled substances were purportedly transferred from the PCCS facility in Coconut Grove to a PCCS facility in Tampa, but ''that the drugs were probably being used by [VM] and not actually arriving at the Tampa office.'' Tr. 64.

After the phone call ended, DI McRae accessed the RICS [10] database and looked up the names of the physicians mentioned during the call. Tr. 41. DI McRae also accessed the Florida Division of Corporations database [11] and confirmed that PCCS had locations in Coconut Grove and Tampa, Florida. Tr. 42–44. DI McRae found that VM was listed as the registered agent, president, vice president, secretary and treasurer of PCCS.[12] Tr. 42–44.

On January 4, 2011, based on her anonymous lead, DI McRae issued a notice of inspection to the Respondent for the Coconut Grove PCCS location. Tr. 45–46. At the time of her inspection visit, DI McRae was accompanied by three employees of the Florida Department of Health.[13] Tr. 60–61. Upon her arrival at the office, McRae presented the Respondent with the notice of inspection, which he signed.[14] Tr. 47; Gov't Ex. 3. DI McRae then ''advised [the Respondent] that [she] would be looking at his controlled substance records, and that [she] would also be counting the controlled substances that he had on hand in order to do a closing inventory.'' Tr. 47. DI McRae ''asked for copies of all controlled substance records for the past two years [and] was provided with copies of order forms [and] invoices from the wholesaler, Prime Medical.'' Tr. 83. DI McRae also asked for, and was provided with, a copy of the Respondent's narcotics log. Tr. 83. It was McRae's recollection that the requested documents were handed over by an employee at the practice named ''Priscilla.'' Tr. 169.

After the execution of the notice of inspection, VM offered to take DI McRae to the office's controlled substances safe, but stated that ''at that time the office only had Versed [15] in stock because the other medications were on backorder.'' Tr. 47–48. VM also stated that, because the controlled substances were kept in a sterile area, DI McRae would have to change into a gown and a wear a facemask and hair net. Tr. 48.

VM led DI McRae to a room where the former asked the latter to change into a set of green scrubs. Tr. 48. As McRae was donning the top of the scrubs, a capped hypodermic needle fell out of the left breast pocket of the scrubs she had been given. Tr. 48. DI McRae testified that when she picked up the needle she observed that it had some ''redness in it,'' which she believed to be blood. Tr. 48, 52–53. DI McRae inquired why a capped hypodermic needle would come tumbling out of the scrubs she was offered, and VM responded that the needle was not hers, that ''[i]t couldn't have been one of the staff members, because all of the staff wear black scrubs [but] it could have been a patient's because the patients wear green scrubs.'' [16] Tr. 50. After this exchange, DI McRae picked up the hypodermic needle and gave it to VM, who put it in a sharps container and led DI McRae into an operating room.[17] Tr. 50.

In the operating room, VM ''unlocked [a] box on the wall where the drugs were contained.'' Tr. 50. VM and DI McRae counted five sealed vials of midazolam, plus ''one vial which [VM and DI McRae estimated] to contain three milliliters of liquid in it.'' Tr. 53–54, 75; Gov't Ex. 4. Based on this count, DI McRae wrote out a closing inventory form reflecting the 53 milliliters of midazolam on hand, which VM signed at DI McRae's direction. *Id.*

In addition to the closing inventory, DI McRae conducted an inspection of the Respondent's records. Tr. 76. Of relevance to this case, DI McRae looked at a binder that was styled ''peer review pharmacy book,'' which contained ''order forms . . . among other documents.'' [18] Tr. 76. Mixed with these documents was a November 23, 2010, prescription for fifty vials of Demerol [19] written by the Respondent for VM. Tr. 76; Gov't Ex. 11. When asked about this prescription (which was written to the owner of the clinic and tucked into a book that was clearly not a patient file) the Respondent explained that he wrote this prescription for VM during a time when ''all of our drugs were on back order, [and the practice] needed some medication for office supply. So I wrote

[9] The non-disclosure document was not found during the investigation. Tr. 237. However, DI McRae testified that the document would not have been within the scope of the administrative inspection warrant. *Id.*

[10] DI McRae explained that ''RICS is a database that we have at DEA that contains all of the DEA registrants.'' Tr. 42.

[11] DI McCrae testified that the database, found at Sunbiz.org, is an open source database available to the general public on the Internet. Tr. 43.

[12] DI McRae testified that the Florida Department of Health is ''still working in [its] part of the investigation.'' Tr. 163.

[13] DI McRae contacted the Florida Department of Health because of the allegations concerning patient care. Tr. 62.

[14] Tr. 47.

[15] Versed is the brand name of a drug containing midazolam. 6–V Attorneys' Dictionary of Medicine V–123111. Midazolam is a Schedule IV controlled substance. 21 CFR § 1308.14(c)(35).

[16] DI McRae later testified that the patients she observed that day ''had on a gown, not scrubs.'' Tr. 55.

[17] Later, DI McRae asked the Respondent about the loose needle. Tr. 55–56. The Respondent speculated that an employee could have ''simply capped the needle, placed it in the pocket . . . continued on with their paperwork, and . . . forgotten to place the needle in a sharps container.'' Tr. 56.

[18] DI McRae testified that ''there were order forms [and] other forms that had to do with the office. There was a contract in there between the medical office and the consultant pharmacist that was there at the time.'' Tr. 80.

[19] Demerol is the brand name for tablets containing meperdine hydrochloride. 2–D Attorneys' Dictionary of Medicine D–32709. Meperdine is a Schedule II controlled substance pursuant to 21 CFR § 1308.12(c)(18).

the prescription for [VM], and she had it filled at a pharmacy.'' Tr. 81. DI McRae then informed the Respondent that the writing of prescriptions for office use is a violation of DEA regulations. Tr. 81. On cross-examination, DI McRae agreed that Respondent's records reflected the addition of fifty vials of Demerol on November 23, 2010. Tr. 177. Thus, DI McRae testified that, although the medication was procured by prescription through a method not authorized under the regulations, the available paperwork (such as it was) did reflect the addition of the medication to the practice's stock of controlled substances. Tr. 177–78.

DI McRae also found an order form dated December 28, 2010, but was told by VM that the order had not been received because ''everything was on backorder.'' Tr. 116. Later, DI McRae received a shipping invoice for the December 28, 2010, order directly from the supplier. Tr. 116–18. The invoice corroborates VM's account to the extent that it shows that, while both fentanyl [20] and Demerol were ordered, only fentanyl was shipped because the Demerol was on backorder. Tr. 116. DI McRae's investigation revealed that the fentanyl was shipped on December 28, 2010. Tr. 118. However, the Respondent's practice had no records of receipt of this shipment. Tr. 118.

When the closing inventory and inspection of the records were completed, DI McRae had a conversation with the Respondent wherein she inquired about office procedures related to the ordering of controlled substances. Tr. 57–58. The Respondent told DI McRae that drugs were ordered by VM, one of the nurse anesthetists, or by the anesthesiologist at the practice. Tr. 58. The Respondent told DI McRae that he believed drugs were ordered from a supplier called McKesson,[21] and that once shipped, the drugs were received at PCCS either by VM or by DM, a female employee. Tr. 59–60. McRae's assessment of what she learned was that VM ''would complete the order form as to what particular drugs the office needed and then [the Respondent] would look at it and he would sign it.'' [22] Tr. 184. DI McRae spoke to the supplier and was told ''that usually someone named Priscilla [is] responsible for receiving medication.'' [23] Tr. 189.

During the same meeting, DI McRae asked the Respondent who had access to controlled substances. Tr. 63. The Respondent answered that only VM and DM had access to the controlled substances. Tr. 63. At this point, DI McRae told the Respondent that ''because these drugs are ordered under your DEA number, you're ultimately responsible for them, so you should know what's been coming in. You should know what's on hand at all times.'' Tr. 63–64.

When asked about the alleged transfers between the PCCS facilities at Coconut Grove and Tampa, the Respondent initially indicated that he did not believe that controlled substances were transferred to Tampa, but on further reflection, told McRae that such transfers may have taken place under the direction of either VM, or Dr. Gloria Thomas—a doctor at the Tampa location. Tr. 64–65. The Respondent told DI McRae that there was no paperwork documenting such transfers.[24] Tr. 64–65. Upon learning that the transfers of controlled substances had been made without paperwork, DI McRae informed the Respondent of the regulatory documentation requirements relative to transfers between practices. Tr. 65–66. A subsequent inspection of the narcotics logbook at the Tampa location found that, while ''[t]here were notations in the log . . . there were no DEA order forms on site to . . . document that transfer.'' Tr. 147; *see also id.* at 239–40.

McRae also learned from the Respondent that biennial inventories [25] were not kept, and that needles containing controlled substances were emptied into a waste container, practices which DI McRae informed the Respondent were against DEA regulations. Tr. 60, 87. DI McRae asked the Respondent whether there had been any thefts or losses at the clinic, and Respondent stated that he was not aware of any. Tr. 63.[26] Finally, DI McRae informed the Respondent that she would be conducting an audit based upon the copies of the records that she had obtained, and that she would let him know the results of the audit at a later date. Tr. 57. DI McRae estimated that her discussion with the Respondent that day spanned approximately one half hour and that, in her view, the Respondent was cooperative throughout. Tr. 58, 66.

After the inspection,[27] DI McRae reviewed the material and information obtained during her inspection and conducted two audits incorporating data from January 5, 2010, through January 4, 2011. Tr. 85. One audit was based on the purchase records of the Respondent, and another was based on shipment records obtained from the Respondent's supplier reflecting shipments to the Respondent's practice. Tr. 120–21. McRae testified that she put the results of each of the comparative audits into separate computation charts. Gov't Ex. 10. Both audits reflected significant discrepancies between what was on hand at the time of the closing inventory and what should have been on hand based on the purchase records and the shipment records.[28] McRae testified that, based on her experience in the preparation of over a hundred audit charts throughout her career, the records that she reviewed were in violation of multiple recordkeeping requirements outlined in 21 CFR § 1304.21. Tr. 124, 144.[29] Also after the January inspection, DI McRae informed the Respondent that, ''for some unknown reason,'' he

[20] Fentanyl is a Schedule II controlled substance pursuant to 21 CFR § 1308.12(c)(9) (2011).

[21] Subsequent investigation revealed that McKesson was not a supplier for the Respondent's practice. Tr. 62.

[22] DI McRae testified that in her opinion this practice was compliant with the relevant regulations. Tr. 184. Thus, according to McRae (and contrary to the allegation in the Government's OSC), no power of attorney would be required under this protocol.

[23] Though DI McRae did not know whether the Priscilla described by the supplier was the Priscilla at the front desk, she did not know of any other Priscilla's employed by the Respondent. Tr. 189.

[24] DI McRae does not attribute any malfeasance to the Respondent's initial denial of transfers. Tr. 185. Indeed, DI McRae testified that Respondent was cooperative during the investigation. Tr. 66.

[25] *See* 21 CFR § 1304.11(c).

[26] At the hearing, the Government introduced a March 24, 2005, theft report from the Coconut Grove location. Tr. 109; Gov't Ex. 8. The form was filled out by Jon F. Harrell, D.O., of the same address as PCCS (3370 Mary Street, Coconut Grove, Florida). *Id.* When questioned on the relevance of the document, Government counsel proffered that ''this document is relevant to the extent that the Registrant . . . was unaware or untruthful.'' Tr. 110. Although the document was received into evidence without objection, *id.,* it referred to a different registrant during a period that was outside the parameters of the audit. The regulations provide for the admission of evidence that is ''competent, relevant, material, and not unduly repetitious.'' 21 CFR § 1316.59(a). ''Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.'' Fed. R. Evid. 401 (internal quotation marks omitted). This document made no fact of consequence more or less probable. Thus, this document has played no part in this recommended decision.

[27] Tr. 83–84.

[28] The audit based on the Respondent's records showed: (1) shortages of 50 mg/ml Demerol and 50 mcg/ml fentanyl; and (2) overages of 100 mcg/ml fentanyl, 10 mg/10 ml Midazolam and 2 mg/ml Versed. Gov't Ex. 10, at 1. The audit based on the supplier's records showed: (1) shortages of 50 mg/ml Demerol, 50 mcg/ml fentanyl and 1 mg/ml Midazolam (10 ml vials); and (2) overages of 100 mcg/ml fentanyl, 2 mg/ml Versed and 1 mg/ml Midazolam (2 ml vials). Gov't Ex. 10, at 2.

[29] The Respondent acknowledges that there were deficiencies regarding the controlled substance recordkeeping during the period of DI McRae's audit. Tr. 622–23; Resp't Posthearing Brief, at ¶¶ 27–28.

had two active DEA CORs at the Coconut Grove location and that he only needed to have one.[30] Tr. 67–68, 70. At DI McRae's suggestion, the Respondent filed a DEA Form 104, voluntarily relinquishing one of the CORs as unnecessary. Tr. 67–68.

In addition to the results of the audit,[31] DI McRae also testified that she found fifteen ''discrepancies'' in the narcotics log. Tr. 94. Specifically, DI McRae testified that the narcotics log kept a type of ''perpetual inventory'' whereby a remaining balance for a controlled substance was written after each entry. Tr. 95. DI McRae observed a number of instances where the perpetual inventory for a given day was updated inaccurately. Tr. 96. That is, the remaining balance was either greater or less than the difference (or sum) of the previous balance and the amount used or added (as reflected in the entry). During her testimony, McRae highlighted several examples of this phenomenon and provided the following hypothetical: ''The office may have ended the day with . . . 10 milliliters of a particular drug. The next time that drug is used, there should be 10 milliliters . . . available [but] the next day that drug was used the[y] would start with an inventory of maybe, seven [milliliters].'' Tr. 95–96.[32] Under these circumstances, three milliliters would be ''unaccounted for.'' Tr. 96. Counting up the fifteen of these ''discrepancies,'' DI McRae found the following total amount of ''unaccounted for'' drugs: (1) 213 milliliters of fentanyl; (2) 120 milliliters of Demerol; and (3) 49 milliliters of midazolam. Tr. 97–98. DI McRae testified that fourteen of the fifteen ''discrepancies'' were ''signed off'' by VM. Tr. 196.[33]

DI McRae also testified to a number of violations she found in the DEA Form 222s she collected from the Respondent's pharmacy book.[34] Tr. 101–03. Specifically, DI McRae testified that the Respondent had not completed the Form 222s by filling in the number of packages received from each order, and the dates such packages were received. Tr. 103. DI McRae also explained that the way the Form 222s were kept in the peer review pharmacy book was itself a violation of DEA regulations insofar as the regulations require that records of Schedule II controlled substances be maintained separately from other records. Tr. 105–06.

On May 16, 2011, DI McRae had a follow-up meeting with the Respondent to discuss the results of the audit. Tr. 143. During the meeting, the Respondent acknowledged to the investigator that he had been ''fairly casual about the procedures that had gone on at the office,'' but that he had taken a number of steps to remedy the problems. Tr. 143–44. In particular, the Respondent claimed that, as of that date, he was the only one with access to the controlled substances at the office. Tr. 143. The Respondent also stated that ''inventories were taken . . . before and right after procedures [and] that the records were being kept separate from the other records.'' Tr. 143. However, the Respondent also admitted that, since the January inspection, he had disposed of approximately ten vials of Demerol without documenting the destruction, a practice that McRae explained to him as being improper. Tr. 142, 206.

In summary, DI McRae persuasively testified to the following violations uncovered at the Respondent's practice: (1) ''the Schedule II controlled substances were maintained with other records [in] violation of Section 1304 in the [CFR];'' (2) ''there was no biennial inventory on hand at the facility . . . in violation of Section 1304;'' (3) ''records were not complete and accurate because there was a discrepancy between what the doctor said he received and what the distributor said he distributed to the doctor,'' and because the narcotics logbook contained discrepancies; (4) ''there were no [DEA] order forms that were completed for the transfer of medications between the Miami and the Tampa offices;'' (5) ''the [DEA] order forms . . . were not properly completed by [the Respondent];'' and (6) the Respondent destroyed controlled substances without filling out a DEA Form 41, as required by DEA regulations.[35] Tr. 140–42, 144–45. DI McRae presented testimony that was consistent, detailed, and plausible, and her testimony is fully credited in this recommended decision.

The Respondent testified on his own behalf, and presented the expert testimony and reports of Robert S. Litman, a consultant pharmacist.[36] Litman holds degrees in Zoology and Pharmacy from the University of Florida, is a licensed pharmacist and is Board certified in Pharmaceutical Geriatrics.[37] He also serves as Clinical Assistant Professor of Pharmacy Practice (Geriatrics and Advanced Geriatrics) at the Ohio State University College of Pharmacy and the Nova Southeastern University, College of Pharmacy.[38] Tr. 262; Resp't Exs. 1, 20. Over the Government's objection,[39] he was accepted as an expert in the standards applicable to the documentation, record keeping and disposal requirements of controlled substances, as those requirements pertain to medical professionals. Tr. 266, 279.

Mr. Litman explained that consultant pharmacists are employed in different venues, such as long-term care facilities, diagnostic centers and surgical centers,

[30] DEA COR Number BR9176238 and DEA COR Number AR8666109.

[31] On cross-examination the Respondent's counsel raised the possibility of an internal diverter. Tr. 195. While DI McRae allowed that internal diversion was possible, she noted that ''[t]he audit numbers would still be the same because [in her audit she was] looking at the numbers that are reflected in the records. [T]hat's what I use for the audit.'' Tr. 195; *see also* Tr. 246–47.

[32] As an example of the foregoing, DI McRae pointed to the narcotics log entry for February 5, 2010, which showed a final balance of twelve milliliters of fentanyl. The next entry showed an addition of 160 milliliters of fentanyl, yielding a final balance of 160 milliliters. Under this scenario, twelve milliliters would be unaccounted for. Tr. 99.

[33] DI McRae agreed that there were ''alterations''—physical changes—in the log not counted in her list of fifteen dates where controlled substances were unaccounted for. Tr. 198; *see also* Tr. 94. There did not appear to be a correlation between the dates of alterations and which staff member verified the entries.

[34] The relevant Form 222s were admitted into evidence as Government Exhibit 6.

[35] DI McRae testified that a practitioner seeking to dispose of controlled substances should contact a reverse distributor. Tr. 204. However, if the practitioner intends to dispose of controlled substances himself, he must send the ''DEA a letter advising of [how] he proposes to destroy the controlled substances.'' Tr. 204. It is unclear whether Respondent has followed this procedure since May of 2011. Tr. 205.

[36] Mr. Litman testified that the designation as a consultant pharmacist requires course work, continuing education and a special license. Tr. 262.

[37] The Government interposed an objection to a compilation of Mr. Litman's qualifications from a consultant Web site on the unique basis that the document was not a CV. Tr. 256, 259–61. Although this objection was overruled, and the document was received into evidence (Resp't Ex. 1), Litman's CV was subsequently provided and also admitted into the record. Resp't Ex. 25; Tr. 543–44.

[38] Mr. Litman testified that, while ''there's always further certifications you may get . . . in long term care, Board certification in geriatrics is the ultimate goal for most clinicians.'' Tr. 262–63.

[39] Tr. 275–76. Although the Government interposed an objection to receiving Mr. Litman as an expert, the nature of the objection was framed entirely as an argument as to weight and raised no appreciable issue regarding the qualifications of the witness to present expert testimony. *See* Fed. R. Evid. 702. The Government's objections, namely that the witness focused primarily on the stricter of state versus federal requirements, and that much of his consulting work is focused on long-term care facilities (Tr. 276), did not shed any insight upon the salient concerns of whether: (1) ''the expert's scientific, technical, or other specialized knowledge [would] help the trier of fact to understand the evidence or to determine a fact in issue;'' (2) the testimony is based on sufficient facts or data; (3) the testimony is the product of reliable principles and methods; and (4) the expert reliably applied the principles and methods to the facts of the case. *See* Fed.R.Evid. 702. This objection was without merit and was overruled.

and that they monitor ''for proper record keeping, acquiring of pharmaceuticals and . . . disposition of pharmaceuticals.'' Tr. 254. If a pharmaceutical consultant uncovers a violation in the course of his duties, it is his job ''to document it, to point it out and to further the correction.'' Tr. 256. Mr. Litman estimated that, since becoming a pharmacy consultant in 1984, about eighty-percent of his time has been devoted to consulting, while twenty-percent of his time has been devoted to actual pharmacy work.[40] Tr. 268. Mr. Litman also conceded that much of his consulting business relates to compliance with state law, Tr. 274–75, and that, at present, his consulting business is confined to long term care facilities. Tr. 411.

Mr. Litman testified that he was retained in this case ''to do an audit, to review records, to see if there was any diversion or any poor record keeping [or] if there were any compliance issues as far as storage of medications.'' Tr. 280–81. In this vein, Mr. Litman ''went through the [Respondent's] clinic . . . . looked at storage areas . . . . looked at narcotics aids . . . . evaluated the narcotic log book register, went through 222 forms [and] any other documentation . . . .that was available to look at.'' Tr. 281. The contracted rate for his involvement is $300 per hour. Tr. 404–05.[41]

Based on his inquiries, Mr. Litman concluded that ''[t]here was sloppy record keeping. It was very problematic. It was inconsistent. There was no consistency in the log[ins] meaning that some people would log things in by vials, others by cc[]s.''[42] Tr. 281. Mr. Litman found instances where controlled substances were added to the narcotics log without a corresponding 222 order form,[43] and where errors were made in the perpetual balance tally.[44] Tr. 321. Mr. Litman testified that Respondent failed to maintain the proper documentation for transfers and that the narcotics log contained ''write overs and changes in numbers [and] also white out.''[45] Tr. 337, 426–27. Litman characterized the recordkeeping as ''lax.'' Tr. 419.

Despite the observed discrepancies, Mr. Litman testified that he compared patient records to the dispensing records in the narcotics log and that ''they all jibed . . . . Everything that Dr. Robinson had listed [in the log] for the patients was listed on the surgery reports.''[46] Tr. 335. Stated differently, the entries reflecting medications dispensed from the narcotics log matched the amounts indicated in the surgical records from the patient charts. Further, Litman's review of the charts told him that, although the practice was ordering more controlled substances, the Respondent's dosage levels during surgical procedures remained constant. Tr. 430.

Additionally, Mr. Litman found eleven ''major discrepancies'' in the narcotics log where the amount of controlled substances ordered on a particular date varied drastically from the amount of controlled substances checked into the log.[47] Tr. 282. These ''major discrepancies'' accounted for ''a little under 95 percent of the drugs that were missing.'' Tr. 355. Mr. Litman testified that these discrepancies could not be explained by sloppy record keeping and were, in his opinion, caused by diversion ''at the point of entry of reception of the drugs.'' Tr. 281–82; *see also, id.* at 55. In addition to these major discrepancies, Mr. Litman identified forty instances of what he characterized as ''smaller theft.'' Tr. 355.

Upon investigation, Mr. Litman learned that an employee named Priscilla Arciniega received the Respondent's drug shipments. Tr. 355–56. In short, Ms. Arciniega was the functionary manning ''the point of entry'' for PCCS. Based on this information, Mr. Litman conducted a review of Ms. Arciniega's employment records. Tr. 358. The employment records showed that Ms. Arciniega was hired in November of 2009,[48] one month before Mr. Litman began to see inconsistencies in the narcotics log. Tr. 496. Mr. Litman also found that during a single week in early March 2011, a week where Ms. Arciniega was absent from PCCS, ''there was no missing narcotics,'' and that when she returned to work ''there was diversion again.''[49] Tr. 362–63. Further, Litman noted that the controlled substance losses/thefts stopped after Ms. Arciniega was terminated from PCCS in March of 2011. Tr. 358.

With regard to the November 23, 2010, prescription, Mr. Litman concluded that, while the prescription was obtained improperly, it was ''intended to be used for a medically necessary purpose.'' Tr. 338; *see also* Tr. 413. Mr. Litman based this conclusion on the fact that the prescription was kept in the peer review pharmacy book, explaining that ''[i]f they were really trying to divert that, they wouldn't have kept a copy of it.'' Tr. 339. Thus, although obtained through the improper vehicle of a prescription to a non-patient, the Demerol was entered and tracked for use on patients at the clinic. Mr. Litman further explained that drug shortages are ''becoming a big problem in our community'' and that facilities and practitioners have been forced to obtain necessary controlled substances by writing prescriptions for, in essence, office use.[50] Tr. 340–42. Litman stated

[40] Mr. Litman works about 5–10 hours per week as a pharmacist. Tr. 268–269.

[41] Mr. Litman estimated that he expected to earn approximately $5,500 for his involvement in this case. Tr. 404–05.

[42] Notwithstanding how critical Mr. Litman's testimony was of the Respondent's recordkeeping, and that it was generally consistent with the Government's position that the Respondent had committed numerous recordkeeping violations, the Government interposed an objection to Mr. Litman's testimony and expert reports based upon the Respondent's failure to provide underlying data related to Mr. Litman's audit results and opinions. Tr. 285. Agency precedent directs that expert opinions may be excluded where a timely request for underlying data has been registered. *See C.B.S. Wholesale Distributors,* 74 FR 36746, 36749 (2009) (failure on the part of the Government to disclose underlying documentation utilized by its expert that was ''necessary to support [a] critical component of [that expert's] testimony'' held to ''deny the Respondent a meaningful opportunity to challenge the expert's conclusion'' and, thus held to preclude[] a finding that the expert's conclusions are supported by substantial and reliable evidence''). However, here there was no timely request for the underlying data made by the Government in advance of the hearing. Without reaching the issue here, suffice it to say that had the Government sought this data in advance of the hearing and its request was refused, the result of its objection could well have been different and the expert opinions derived from the withheld underlying data could have been properly excluded from playing any role in a finding supported by substantial evidence.

[43] As an example of this type of discrepancy, Mr. Litman pointed to the date of February 9, 2010, where 100 ccs of fentanyl were added without a 222 form. Tr. 321. However, he allowed that this type of ''discrepancy'' may not have been the type of issue a pharmacy consultant would have looked for. Tr. 332–33. Entries reflecting additions of controlled substances from Tampa were not included in this category. Tr. 346.

[44] Mr. Litman pointed to the date of November 14, 2010, where there was an opening balance of sixty ccs, six ampuls were administered, and 48 ccs remained. Tr. 333.

[45] He explained that ''you should never use white out on anything.'' Tr. 337.

[46] On cross-examination Mr. Litman testified that he looked at approximately 20% of patient records. Tr. 409. These were a ''random sampling of charts from 2010 in various months.'' Tr. 431.

[47] As an example of such a discrepancy, Mr. Litman pointed to the date of October 21, 2010, on which an order for Demerol was sent to the supplier, but was never logged in by PCCS. Tr. 298.

[48] Resp't Ex. 15.

[49] The Respondent, through the testimony of counsel retained by PCCS, introduced a printout from the Public Access to Court Electronic Records (PACER) system reflecting the docket from a criminal matter in the Eastern District of New York, *U.S.* v. A*rciniega, et al,* 1:03–cr–00759–CBA, which shows that, in 2003, Ms. Arcieniega pled guilty to one count of conspiring to import heroin into the United States. Resp't Ex. 21, at 1.

[50] Mr. Litman testified that if a client of his was having difficulty locating necessary controlled substances, he ''would advise them to call different pharmacies. Call several hospital pharmacies to see

that drug shortages are currently so profound that hospitals and nursing homes will sometimes borrow medications from retail or hospital pharmacies. Tr. 340. According to Mr. Litman, ''it's not legal to do that[,] it's not proper to do it, but it's done quite frequently.'' *Id.* Mr. Litman also shared his experience that it is not uncommon for practitioners to (improperly) write prescriptions for office use once they have exhausted authorized channels. Tr. 342.

Also related to the November 23, 2010, prescription, Mr. Litman testified that the fifty vials of Demerol obtained by filling the prescription were added to the logbook, but that ''all the entries [that day] were altered and changed.'' Tr. 346–47. Mr. Litman testified that he became suspicious as to the accuracy of the November 23, 2010, records when he saw that all fifty vials of Demerol were used on three procedures,[51] despite that the fact that he thought that ''they may have used four to five vials'' throughout the day for such procedures.[52] Tr. 346–47. Accordingly, Mr. Litman asked to see the records for the patients who were seen on November 23, 2010, and was told by an unnamed PCCS staff member that two of the three relevant charts were missing. Tr. 347, 351. Furthermore, the lone chart that was produced to Litman by PCCS contained a significant internal inconsistency. Tr. 352–53; Resp't Ex. 19. Specifically, that portion of the chart, which reflects the quantity of Demerol administered during the patient's procedure, shows eight contemporaneous administrations of Demerol totaling three-hundred milligrams. However, the ''total'' column of Demerol administered reflects that only fifty milligrams of Demerol had been administered to the patient during the procedure. Tr. 352–53. In short, the contemporaneous entries had been obviously altered to show an increased amount of medication administered per dose, but the individual who altered the document lacked the presence of mind to alter the ultimate total figure entered, which remained fifty milligrams.

On the issue of disposal of controlled substances, Mr. Litman testified that disposal of controlled substances is ''a tricky issue'' and that it has been his experience that ''[t]he problem is when you do call the agency and many times for small amounts, they don't want to be bothered by it.'' Tr. 371. Litman testified that he has called DEA in the past to report minor thefts and destruction of controlled substances and the employee on the other end of the phone would say ''don't bother with it, call the police.'' Tr. 372. Mr. Litman further explained that if a client asked what to do with controlled substances leftover from a procedure, he would ''say you flush it with a witness.'' [53] Tr. 377. Somewhat troublingly, Mr. Litman initially insisted that he is licensed by the state to destroy controlled substances without notifying the DEA, but later retreated from this position when shown 21 CFR § 1307.21. Tr. 372–73, 377–79. Despite his testimonial epiphany on the subject of disposal authority, Litman testified that he has been disposing of controlled substances without notifying the DEA [54] for approximately thirty years.[55] Tr. 379.

Mr. Litman testified regarding an October 12, 2011, letter to the Respondent from the Florida Department of Health stating that it had received a letter from PCCS correcting deficiencies found during a September 12, 2011, inspection. Tr. 301. Mr. Litman explained that the letter would have followed an inspection and that, ''if [PCCS] were not in compliance, they would never receive this letter.'' Tr. 302. Similarly, Mr. Litman testified regarding a certificate of accreditation for PCCS from AAAA—the American Association for Accreditation of Ambulatory Surgical Facilities (''Quad A'')—for the time period from March 3, 2010, through March 31, 2011. Tr. 307; Resp't Ex. 14. Mr. Litman explained that a Quad A certification inspection would have included ''an investigation of record keeping and medication and narcotics usage and documentation and disposal'' and that a certification would be given at the conclusion of a successful inspection. Tr. 307. Mr. Litman testified that successful inspections by accrediting agencies would give a practitioner a ''false sense of security.'' Tr. 311.

Mr. Litman also testified that, in his inspection of the Respondent's records, he discovered that PCCS had retained a pharmacy consultant named Joe Koptowsky. Tr. 312–13; Resp't Ex. 7. Of relevance here, the agreement between PCCS and Mr. Koptowsky called for Mr. Koptowsky ''[t]o review the pharmacy section of patient records . . . . for conformance with State and Federal laws regarding dispensing, labeling, storage and administration of drugs; To review the drug distribution system, including ordering and administration or disposal (wastage) of medications[;] To review the labeling and storage of drugs[; and] To review the controlled substances documentation and audit records.'' Resp't Ex. 7. By reviewing inspection records prepared by Mr. Koptowsky, Mr. Litman discovered that Mr. Koptowsky performed inspections of PCCS Coconut Grove approximately once every six months from May of 2006 until May of 2009, and once every year from May of 2009, through November of 2010. Tr. 315–16, 321; Resp't Ex. 8. Remarkably, a November 9, 2010, Koptowsky inspection found no irregularities at the Coconut Grove facility, although that date fell two months prior to the DEA audit that revealed the deficient recordkeeping, and squarely within a period of time when controlled substance losses at PCCS were at an apex. Tr. 321–24; Resp't Ex. 8, at 10.

Mr. Litman testified that, if Mr. Koptowsky had found irregularities, it would have been incumbent upon him, as a pharmacy consultant, to bring the irregularities to the attention of PCCS.[56] Tr. 324. Though Mr. Litman acknowledged that the duty to maintain accurate records was the Respondent's ultimate responsibility, he testified, in essence, that it was not unreasonable for a practitioner to rely on a consultant pharmacist, and that the act of hiring a pharmacy consultant showed a desire on the part of the Respondent to comply with the applicable regulations. Tr. 407, 533–34. According to Litman, a pharmacy consultant who was acting responsibly would have identified the issues raised by DEA regarding the recordkeeping and shortage issues at PCCS and taken steps to bring the client into compliance. Tr. 525. However, Litman also freely conceded that as a registrant, the Respondent is ultimately responsible for actions taken under his registration regarding controlled substances, and that he is aware of no legal authority that would allow a practitioner to escape responsibility for

if they had it.'' Tr. 342. He said that he would ''never'' suggest that a practitioner obtain controlled substances by writing a prescription for an employee. Tr. 343.

[51] Litman testified that ''at the end of the day, all 50 vials were gone.'' Tr. 346.

[52] Mr. Litman based this assumption on a number of apparent alterations on the narcotics log. Tr. 349.

[53] Mr. Litman presented his (legally unfounded) opinion that DEA regulations related to disposal may not apply to small quantities of controlled substances. Tr. 382.

[54] Litman stated that in his opinion, storing residual controlled substance in a practice presents a greater risk of diversion than destroying it outright because it could be taken and diverted while waiting to be transported to a reverse distributor. Tr. 376–77.

[55] Mr. Litman pointed to section 64B16–28.303 of the Florida Administrative Code as authority for his disposal methods. Tr. 541.

[56] Mr. Litman has worked with Mr. Koptowsky in the past, and regards him as a ''poor quality pharmacist.'' Tr. 327.

his actions by virtue of his reliance upon a pharmacy consultant. Tr. 408.

Mr. Litman testified regarding the Government's audit. Tr. 385. He explained that, while the Government's audit, which relied on the narcotic logbook, reflected that the Respondent's practice had distributed fentanyl in 100 mcg/ml concentrations, no 100 mcg/ml concentration existed.[57] Tr. 385–87. Rather, the practice received and distributed the medication in only the 50 mcg/ml strength, not one hundred.[58] Tr. 387–88. When viewed in this light, Mr. Litman asserted that the fentanyl discrepancies found by DI McRae—the large overage of 100 mcg/ml fentanyl and the large shortage of 50 mcg/ml fentanyl—are ''almost a wash.'' Tr. 388.

Mr. Litman also set forth the results of an audit he conducted based upon the Respondent's records of fentanyl and Demerol from January 5, 2010, through March 2, 2011.[59] Tr. 391, 418; Gov't Ex. 14. When conducting the audit, Mr. Litman derived the starting and closing inventories from the logbook. Tr. 496, 500. Mr. Litman explained that he conducted an ''ongoing perpetual inventory'' based on the narcotics log, the 222 forms and the invoices.[60] Tr. 508. Under this process, he noted when controlled substances were used, transferred[61] or received, and would tally the drugs as they went missing. Tr. 508.

In his audit, Mr. Litman found shortages of Demerol and fentanyl in the approximate[62] amounts of 681 vials and 401 vials, respectively. Tr. 391–92. Converting these amounts to milliliters, the unit of measurement used by DI McRae in her audits, Mr. Litman found a shortage of fentanyl of approximately 802 milliliters, and a shortage of Demerol of approximately 681 milliliters.[63]

Mr. Litman further testified that when he was retained by the Respondent in October of 2011, ''I found everything corrected.'' Tr. 364. In particular, Mr. Litman testified that the Respondent: (1) ''instated new narcotic lock boxes [and] lock keys;''[64] (2) had assumed sole access to the combination of the lock box; (3) separated Schedule II controlled substance records from other records; (4) instituted a procedure of conducting a twice a day inventory whenever surgical procedures are performed; (5) conducted perpetual and biennial inventories; and (6) separated DEA Form 222s from other records. Tr. 365–68. Additionally since Mr. Litman was retained, the Respondent has replaced Mr. Koptowsky.[65] Tr. 365. Mr. Litman explained that ''I've seen this kind of scenario before where employees will often steal . . . drugs and blame other employees. Basically I feel [the Respondent] was kind of a patsy in this case [and that] his greatest . . . deficit, failure would be that he didn't monitor it properly and he trusted the other people to inform him of problems that they never told him about.'' Tr. 527. Mr. Litman testified that once the Respondent gained an appreciation of the situation, he ''made every effort to put the facility in compliance with all regulations.'' Tr. 371; *see also, id.* at 523–24.

Two reports authored by Mr. Litman were received into the record. Litman's initial report (Litman Report I), dated October 28, 2011, contained a brief summary of his qualifications and a somewhat less brief summary of the Respondent's contentions and factual assertions for which Mr. Litman had no first-hand knowledge.[66] Resp't Ex. 17. Additionally (and more helpfully), the Litman Report I sets forth selective analyses of various aspects of the Respondent's records and recordkeeping practices. Included in his review was his written evaluation of Respondent's illegal controlled-substance-stock replenishment evolution. *Id.* at 2. Consistent with his testimony, Litman characterized this evolution as ''evidence of some lax attention to a record keeping regulation . . . .'' *Id.* Overall, Litman opined that his examination of the Respondent's practice demonstrated to him that:

> [T]here was a substandard job performed in the maintenance of the narcotic records as well as insufficient logging in of newly received orders as the narcotic counts were not accurate. [The Respondent] did review all narcotic orders prior to them being ordered, but did not sign in the amounts and dates arrived properly [sic], nor did he properly fill out forms for the transfer of medications from one clinic to another. There was inconsistency in the amounts of drugs received as there was no uniform system in place for this accounting. One nurse may have logged medications as ''cc'' or ''ml'' leading to difficult and improper accounting.

Id., at 2. In his report, as in his testimony, Litman provides his view that ''much of the problems stems [sic] from [the Respondent's] good faith reliance on the professionalism of other employees at the clinic, and [a] Consultant Pharmacist.'' *Id.,* at 3.

Curiously, the Litman Report I contains the observation that ''[w]hen discussing these issues with [the Respondent] he was sullen and remorseful about his poor oversight into the accounting.'' *Id.* There was also some account of Litman's recollection of some self-serving representations made by the Respondent to him concerning what he would have done had he known about his (own) lax oversight, as well as purported corrections he had and intended to make in the future, as well as Litman's peculiar estimation that (despite unreliable and inaccurate recordkeeping) the Respondent never created a risk of diversion or to public safety. *Id.*

Although Mr. Litman's second report (Litman Report II),[67] dated November 8, 2011, unquestionably suffers from many

[57] Mr. Litman believed this error was caused by the fact that the fentanyl came in different vial sizes. Tr. 387.

[58] Litman testified that the corrected data demonstrates approximately 400 missing vials, not 600 or 790, as reflected in the Government's audits. Tr. 388.

[59] Mr. Litman chose to end the audit once he found that the records ''showed no discrepancies.'' Tr. 492. Litman explained that he extended the length of the audit he conducted by two months over the audit period utilized by the Government so that he could capture the employment time of Ms. Arciniega, which was also the end (in his view) of the controlled substance discrepancies issues. Tr. 491–92, 497. Litman also noted that inconsistencies in the controlled substance records at PCCS began to appear around December 2009, and that before that, the records seemed ''very consistent.'' Tr. 496.

[60] During the course of his testimony, Litman opined that the numbers expressed in the Government audit, although placed into a chart, were ''pretty arbitrary'' and that, in his view his audit ''is more accurate because [his] is done on a daily basis [and] can actually pinpoint the days the drugs were missing,'' contrary to the Government audit, which ''just tells you what was ordered and received.'' Tr. 512.

[61] Mr. Litman assumed that additions without documentation were transfers from the Tampa office. Tr. 509.

[62] According to Mr. Litman, ''when you have somebody who's stealing narcotics, generally a seasoned addict will be able to manipulate data, change records.'' Tr. 494. Accordingly, it is difficult to ascertain the exact shortage of drugs. Tr. 494.

[63] The Respondent received shipments of Demerol containing 1 ml vials, and shipments of fentanyl containing 2 ml ampuls. Gov't Ex. 9.

[64] The Government objected to the photographs of the lock boxes the Mr. Litman examined essentially because, although he recognized the boxes in the photos, he did not actually operate the camera that took the pictures. This objection was overruled.

[65] Mr. Litman explained that approximately a week before the hearing, the Respondent ''retained'' a new consultant. Tr. 413–14. On cross examination Mr. Litman said that a contract had not been signed, ''but we will do it this week.'' Tr. 515. Subsequent to the hearing, the Respondent and Mr. Litman entered into a pharmacy consultant agreement. Resp't Ex. 22.

[66] A non-exhaustive list of the areas that the Litman Report I expounds upon on, without apparent basis for doing so, includes: (1) Whether VM, the owner of PCCS, is addicted to controlled substances; (2) the details of a conversation between VM and DI McRae where Mr. Litman was not present; (3) an analysis of the regulatory requirements for a power of attorney; (4) a signature analysis on an entry in the PCCS narcotic logbook; and (5) whether a wholesaler utilized by PCCS had a delay in providing Demerol. Resp't Ex. 17. Naturally, these matters, and any others for which Mr. Litman had no apparent factual basis for the opinions included in the Litman Report I have been afforded no weight in this recommended decision.

[67] Resp't Ex. 18.

of the same variety of unsupported overreaching and extrapolation that plagued its predecessor, the second version does a better job at describing the data and elements of the Respondent's recordkeeping that Litman analyzed in reaching his opinions. Specifically, the Litman Report II indicates that its author reviewed 36 randomly-selected charts from a total of 170 procedures conducted at PCCS in 2010 (approximately 21 percent of the procedures conducted at that facility), and found no discrepancies between entries in the patient charts compared to the narcotics logs. Resp't Ex. 18.

Litman's discovery of a 2010 spike in the Respondent's per-procedure use of Demerol and fentanyl compared to the years 2009 and 2011 is presented in his report without any suggestion as to the significance that data played in the balance of his opinions.[68] *Id.* However, during his testimony, Mr. Litman clarified the importance of this data, explaining that, in his opinion, ''[t]hey were still using the same amount for each procedure,[69] but then there was an extra amount . . . that was being stolen.'' Tr. 428–29.

The Litman Report II also presents the results of what he characterizes as ''an in-depth review of all [PCCS] narcotic usage, primarily focusing [sic] on the drugs [f]entanyl and Demerol from January 2010 thru April 2011.'' Resp't Ex 18 at 1. In what he subsequently refers to as an ''audit,'' [70] Litman catalogues ''*major discrepancies in drug counts,*'' tallying about 40 in a 15-month time frame. *Id.* (emphasis supplied). The Litman Report II documents a 681-vial shortage of Demerol and a 401-vial shortage of fentanyl.[71] *Id.* Litman also notes eight instances where controlled substances were shipped to the ''Tampa area clinic'' without filling out ''the proper DEA forms as per regulation.'' *Id.* Further, the Litman Report II contains his observation that ''[t]here appeared to be shrinkage (theft) occurring randomly on a weekly-monthly basis (~ 1 box stolen every 12 days) since January 2010 and ending immediately after March 2, 2011 . . . . [a time frame that coincides] with the employment dates of [an] employee who had access to these missing narcotics'' that Litman characterizes as ''questionable.'' [72] *Id.,* at 2. The Litman Report II also volunteers that ''[t]here were no missing drugs during a specific week this employee did not come to work and shrinkage resumed the week she returned to work,'' and that ''[t]here were also white-outs noted, combined with changed entries on the Narcotic Log Book, coincidently, on the last day of her employment.'' *Id.*

Much as is true in the initial report and the witness's testimony, the Litman Report II essays to excuse any assignment of responsibility to the Respondent under the (legally-unsupportable) theory that all noted discrepancies were understandably overlooked by the Respondent because he ''was not a full time practitioner at PCCS during the year 2010[,] was not properly up to date as to proper record-keeping, transfers of medications, logging in of new orders, and ongoing inventory control [and really] stems from [Respondent's] good[-]faith reliance on the professionalism of other co-workers and employees at the clinic, the licensed Consultant Pharmacist, and other regulatory agencies to do their jobs correctly'' *Id.,* at 2, 4.

The Litman Report II also notes some security enhancements the Respondent put into effect after the DEA audit, and once again reiterates Litman's odd assurance that the Respondent's wholly substandard recordkeeping has resulted in neither a public threat nor a risk of drug diversion. *Id.* at 2.

During his testimony, Mr. Litman did not shy away from those areas where he concluded that the Respondent fell below the standard of due care in his recordkeeping obligations, and in many respects, his audit assessments painted an even bleaker picture of the Respondent's recordkeeping than the Government's version. While his view that the Respondent should somehow be absolved of his obligations as a registrant by virtue of his reliance upon a pharmacy consultant is wholly unpersuasive, it did not undermine the value of his expert opinions in this case. In short, Mr. Litman's presented testimony that was sufficiently detailed, authoritative and candid to be credited in this decision.

The Respondent testified that he was born in St. Louis, Missouri, in 1946 and that he graduated from St. Louis University and the St. Louis University School of Medicine. Tr. 549. After graduating from medical school, the Respondent completed a two-year residency in basic surgery at the University of Florida.[73] Tr. 549. The Respondent volunteered that he has published scholarly articles in his field of practice, and that as a medical student, he discovered the cause of burn anemia and presented his findings at a meeting of the Saint Louis Surgical Society, where he was awarded a prize in recognition of his achievement. Tr. 550. Once done with his residency, the Respondent performed general surgery for two years in St. Louis, and then completed a one-year fellowship in burns.[74] Tr. 549. After the burns fellowship, the Respondent finished a two-year residency in plastic surgery at the University of Illinois in Chicago. Tr. 549, 562. During this time, the Respondent taught a course in burn management to pediatricians at the University of Illinois-Chicago, lectured in pediatric burn care, and was appointed as Instructor in Surgery. Tr. 562. The Respondent moved to Broward County in 1979 to open a practice in plastic surgery. Tr. 549. The Respondent stated that he has remained in southern Florida since 1979. Tr. 549.

Though the Respondent maintained a general plastic surgery practice in Pembroke Pines, Florida, he explained that for years he also covered emergency rooms and focused his practice on ''reconstructive surgery, primarily facial skin cancers, post-mastectomy breast reconstruction, and . . . difficult wounds.'' Tr. 551. According to the Respondent, ''[u]ltimately, like most plastic surgeons, as [he] got older, [his] practice gravitated to primarily cosmetic surgery,'' but allowed that he still performs some reconstructive work. Tr. 551–52. In 1999 the Respondent ''began doing some work'' [75] at a PCCS office in Weston, Florida.[76] Tr. 550. The Respondent testified that, while he initially worked at PCCS ''one day a week or every other Saturday . . . . as the other physicians came and went, I seemed to get more . . . time there.'' Tr. 550–51. Although other physicians

[68] Mr. Litman's report states that the Demerol calculations were ''based on 222 form drug orders, not actual procedures.'' Resp't Ex 18, at 1. Litman's testimony explained that he garnered surgical procedure information from the Respondent's surgical records.

[69] Mr. Litman concluded that they were using the same amount per procedure after going through the records, and after being told by the Respondent that he was ''using consistent the same as . . . always.'' Tr. 429–30.

[70] *Id.*

[71] In contrast to the audit conducted by DEA, Litman found only shortages, and no overages. Resp't Ex. 18, at 1; Gov't Ex. 10.

[72] It is clear from Mr. Litman's testimony that he was referring to Ms. Arciniega.

[73] The Respondent's CV was received into evidence without objection. Resp't Ex. 2.

[74] The Respondent has published several articles in the fields of burns. However, he tested that he was ''unfortunate [in] that in south Florida, they were unwilling to need somebody who had my expertise.'' Tr. 550.

[75] At this time, the Respondent was an ''independent contractor'' at PCCS and was paid a percentage of the amount PCCS charged for a surgery he performed. Tr. 554. The Respondent also testified that PCCS maintained the state required certifications for conscious and general sedation. Tr. 555–56.

[76] Weston is in ''western Broward County west of Ft. Lauderdale.'' Tr. 553.

seemed to come for periods of time and move on, he testified that he stayed with PCCS. Tr. 558–59. The Respondent explained that over the years several physicians were appointed by PCCS as the primary doctor. Tr. 559. According to the Respondent:

> I would occasionally become the primary doctor because someone left, moved on, got fired. But I was really never the primary doctor until maybe 2008. And even then, they would occasionally bring someone in to either do some work or even to the majority of the work. It disappointed me a little bit but since I had my private office at the time, and I wasn't willing to give it up, I didn't feel there was much I could say about that because I was not devoting all my time to PCCS.

Id.

In or around 2005, the surgeon working at the Coconut Grove PCCS location moved to Weston, so PCCS asked the Respondent to ''go down to Coconut Grove and take his place.'' Tr. 552. Because Respondent's home at the time was equidistant from Weston and Coconut Grove, he accepted the proposed move. Tr. 553. It was in 2005, when he assumed the duties at PCCS Coconut Grove,[77] that his COR was utilized to handle controlled substances in the clinic.[78] Tr. 559–60. The Respondent testified that ''when the supply of drugs got low, they would tell [him] that they needed for [him] to fill out a form. Sometimes they would write in the amounts, sometimes they'd tell [him] and [he] would just write it in and sign it and they'd send it off and order the drugs.'' Tr. 560. The Respondent indicated that he became ''the primary doctor'' at PCCS sometime around 2008. Tr. 559.

According to the Respondent, just over a year ago he began ''slowing down'' his private practice, a process which he explained as ''limiting [his] procedures, not taking on any more complicated cases or cases that would require multiple procedures or a long time[, a]nd basically telling the patients that [he] was going to be leaving in some period of time.'' Tr. 571–73. On April 18, 2011, the Respondent closed his private practice to focus on his work at PCCS.[79] Tr. 571–73, 665. In this regard, the Respondent explained that ''about 99 percent'' of his practice involves controlled substances and that a limitation on his ability to use narcotics ''would be like cutting off my hands.'' Tr. 575.

Turning to the allegations underlying this case, the Respondent testified that ''when I first discovered that I had done something wrong . . . I was pretty devastated. I couldn't believe it. The center seemed to run so well for a number of years.'' [80] Tr. 566.

As a partial explanation for his surprise, the Respondent offered PCCS' employment of Mr. Koptowsky as a pharmacy consultant. Tr. 567. In this regard, the Respondent testified that he met Mr. Koptowsky once, during his November 9, 2010, inspection, and that, while he had never seen the actual inspection forms, he ''was aware that they existed and that there wasn't anything that applied, there wasn't any correction or problem that was listed that . . . I needed to do something about.'' Tr. 630, 639. 41; Resp't Ex. 9.

Relatedly, the Respondent also testified that the Board of Medicine requires that a facility be accredited by one of three organizations—Quad A, AAA, or the State—''in order to be able to perform procedures which require general anesthesia or conscious sedation.'' [81] Tr. 580. To obtain certification through either the State or the Quad A, a facility must undergo an inspection conducted by a medical doctor. Tr. 587–88. The Respondent presented his understanding that the physician conducting such an inspection examines many facets of the practice, including procedure manuals, a random sampling of charts, and the operating room. Tr. 588, 590.

On March 31, 2010, the PCCS facility in Coconut Grove passed a Quad A inspection, and was granted a certification to March 31, 2011. Resp't Ex. 14. Sometime after the Quad A inspection, PCCS opted to obtain a certification through the State. Tr. 590–91. However, due to a backlog, the State inspection did not occur until September of 2011. Tr. 590–91. When the State inspection took place, the inspector found some violations, which the Respondent explained as ''mostly small things,'' such as ''some of the more recent charts [not having] their operating notes.'' Tr. 592–93. After the inspection, PCCS sent a letter to the State stating that the uncovered deficiencies had been corrected. Tr. 592–93; Resp't Ex. 4. On October 12, 2011, the State sent a letter to PCCS acknowledging the receipt of the correction letter.[82] The Respondent explained that the October 12, 2011, letter was ''final.'' Tr. 593.

The Respondent testified that when the allegations regarding VM's drug abuse surfaced, ''she wanted to be drug tested because she totally denied the allegations.'' Tr. 577. Accordingly, the Respondent authorized a drug test for VM. Tr. 577. On April 19, 2011, a hair sample from VM was collected. Gov't Ex. 3. Three days later, on April 22, 2011, the sample tested negative for all controlled substances. Gov't Ex. 3.[83]

With regard to the November 23, 2010, prescription to VM, the Respondent explained that, on the relevant date, he had three surgeries planned, but there were no narcotics on hand at the practice. Tr. 593–94. To address this problem, the Respondent issued a prescription in VM's name ''so that at least we'd have some for future surgeries if we needed them [a]nd that was obviously a mistake.'' Tr. 595–96.[84] Later, when reviewing the patient charts for the three patients seen on November 23, 2010, the Respondent discovered that two of the three anesthesia records from the November 23, 2010, operations were missing. Tr. 599–600. Furthermore, the remaining anesthesia record that was found reflected indicia of alterations. Tr. 599–602.

The Respondent explained that, when he performs a surgery requiring anesthesia, the nurse anesthetist or the anesthesiologist will keep the anesthesia record by ''writ[ing] in each of the drugs that are being administered and . . . what dosage is administered [a]nd then at the end, they usually put some sort of a total.'' Tr. 599. However, the anesthesia record from November 23, 2010, reflected ''way too many drugs . . . listed across the contemporaneous portion.'' Tr. 601. Specifically, the

[77] The Respondent clarified that this was not ''a compensation position.'' Tr. 561.

[78] The Respondent indicated that he could not recall whether he signed a document specifically authorizing the use of his DEA COR. Tr. 561. However, he testified that he thought the document appointing him medical director ''calls . . . for them to use my narcotic registration.'' Tr. 561.

[79] The Respondent testified that his decision to focus on PCCS was motivated by his desire to ''not have any overhead to worry about, not have to worry about payrolls and all the other things that you have to concern yourself with and then . . . [he] could pretty much walk away from there because [he] didn't have the same responsibilities [he] had in a private practice.'' Tr. 573.

[80] The Respondent testified that there were ''very minor'' problems regarding entries in the narcotics log, where ''one person was using cc[]s and the other person was using vials.'' Tr. 567–68.

[81] The Respondent never sought certification for his private practice because he was able to perform surgeries at a local ambulatory surgical facility. Tr. 557.

[82] According to the Respondent, in a State inspection, deficiencies are outlined in a letter directing correction and that when the issues are minor, no post-correction re-inspection customarily occurs. Tr. 589.

[83] Respondent Exhibit 3, which was admitted into evidence, also contains two negative drug tests from September of 2011. The Respondent testified ''I don't think I wrote the one in September.'' Tr. 663.

[84] The Respondent further testified (incorrectly) that ''I should have written a prescription to each, for each patient for the amount of narcotic I thought we were going to use. And that way, probably would be all proper. I'm not sure . . . .'' Tr. 595. *See* 21 CFR § 1305.03.

Respondent testified that the particular procedure reflected on the chart would have taken about an hour, but that he saw what ''looked like seven ampules had been administered [a]nd that's . . . just not going to be done for a procedure that takes less than an hour.'' Tr. 601–02.[85] The Respondent allowed that if the high doses reflected on the chart reflected the reality, the patient's respiratory muscles would have been paralyzed, which the Respondent testified did not occur. Tr. 609–10. It is the Respondent's opinion that the logs were altered. Tr. 611. When questioned about who would have access to the logs, the Respondent testified that ''the three people that would always be present in the operating room were the anesthetist . . . [DN], who was the scrub nurse; and myself.'' Tr. 611. However, Priscilla Arciniega, the receptionist at the office, would ''often'' help clean up. Tr. 611–13. Furthermore, it ''was part of Ms. Arciniega's responsibility to at least . . . ha[ve] access to all the medical records.''[86] Tr. 614.

The Respondent testified that Ms. Arciniega was ''hired as kind of a jack of all trades. [I]t turned out that another plastic surgeon whose office [VM] used to provide anesthesia for was retiring or closing his office and . . . had worked with [Arciniega] . . . before. And since we needed a person [VM] gave [Arciniega] a job.'' Tr. 612. The Respondent testified that although he was not present when Arciniega left the practice, it was his understanding that she was terminated for cause when she was unable to supply a physician's note as requested by VM to excuse a work absence. Tr. 658–59. The Respondent testified that the allegedly unexcused absence occurred sometime at the end of February of 2011. Tr. 655. However, a timecard admitted into evidence shows that from February 23 through March 9, 2011, Ms. Arciniega worked 34.5 hours. Resp't Ex. 15, at 5. The Respondent also testified that, during the preparation for his testimony with his counsel, he learned that Ms. Arciniega had ''been arrested in New York for distribution of narcotics.''[87] Tr. 660.

The Respondent testified that he took numerous steps to address the compliance issues that had been related to him by DI McRae during her January visit. Tr. 569. Specifically, the Respondent testified that he: (1) ''Assumed immediate control of the key [to the controlled substances safe];'' (2) ''took control of the record keeping and [checks] the addition and subtraction after every single case and at the end of the operating day;'' and (3) implemented a new policy wherein he personally oversees the opening of all controlled substance shipments to the office.[88] Tr. 569–71. The Respondent explained that ''if there [is] any medication that's sitting on the anesthesia cart, we put it back in the box after our inventory has been done. I lock the box and take the key, put it back in the lock box and close it.'' Tr. 620. The Respondent also fixed a broken lock on the controlled substance safe and created separate folders for DEA Form 222s and biennial inventories. Tr. 624–27. During the hearing he expressed an intention to begin performing background checks on new hires. Tr. 661. When asked about his current level of attention to his responsibilities as a registrant, the Respondent declared that his current practice is ''[a] 180 from what was going on before. I have taken complete control and I have now accepted my responsibility, which I obviously had neglected before.'' Tr. 623.

The Respondent presented testimony that was sufficiently detailed, internally consistent, and plausible to be fully credited in this recommended decision. When asked about his missteps as a registrant, the Respondent unequivocally offered: ''Obviously I made some terrible mistakes but I felt there wasn't anything there that I couldn't correct, that I didn't want to correct.'' Tr. 569. At another point in his testimony, the Respondent declared that he ''absolutely recognize[s]'' that he has not complied with his obligations as a registrant, and flatly acknowledged that, notwithstanding the fact that his practice prior to 2005 involved others handling controlled substances during his procedures, that he ''was ultimately responsible.'' Tr. 575. His demeanor presented all the indicia generally associated with candor, including unfaltering acknowledgements of weaknesses in his past performance as a registrant and mistakes he has made founded in lack of the oversight required by his position. He presented the fact that a (derelict) consultant had been retained by PCCS in a manner that made it clear that he was not shrinking from his own culpability regarding the condition of his recordkeeping and other issues.

The Government presented the testimony of DI McRae in a purported rebuttal to Mr. Litman's testimony. Tr. 607. In truth, while some nuances of Littman's audit and some elements (such as time span covered) of that audit that distinguished it from the Government's audit were elicited, there was little of consequence that was actually rebutted. The Respondent's recordkeeping, as he has conceded from the outset, was problematic.

Other facts required for a disposition of this matter are set forth in the balance of this recommended decision.

The Analysis

Pursuant to 21 U.S.C. 824(a)(4) (2006), the Administrator[89] is permitted to revoke a COR if persuaded that the registrant ''has committed such acts as would render . . . registration under section 823 . . . inconsistent with the public interest . . . .'' The following factors have been provided by Congress in determining ''the public interest'':

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(3) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

21 U.S.C. § 823(f) (2006 & Supp. III 2010).

''[T]hese factors are considered in the disjunctive.'' *Robert A. Leslie, M.D.,* 68 Fed. Reg. 15227, 15230 (2003). Any one or a combination of factors may be relied upon, and when exercising authority as an impartial adjudicator, the Administrator may properly give each factor whatever weight she deems appropriate in determining whether a registration should be rejected. *Morall* v.

[85] The patient chart was admitted as Respondent's Exhibit 19. The chart shows eight contemporaneous administrations of Demerol totaling 300 milligrams. However, the ''total'' column reflects that only 50 mgs of Demerol had been administered to the patient. Though acknowledging that he is ''not a handwriting expert,'' the Respondent testified that the handwriting for the higher dosages appeared different than other entries on the chart. Tr. 607. However, he could not remember the name of the anesthesiologist. Tr. 672–73.

[86] The Respondent testified that it is standard for office staff to have access to patient medical records. Tr. 614–15. When asked whether he could limit staff access to medical records the Respondent replied that ''it's not efficient and it's not required.'' Tr. 616–17.

[87] The Respondent testified that, if he had known that Ms. Arciniega had been arrested for drug trafficking, ''I don't think she would have ever been hired . . . and if she were hired, she would have been terminated immediately.'' Tr. 660.

[88] The Respondent indicated his intention to seek Agency advice on the issue of how to better implement this control in light of the limited number of days he works in the PCCS office. Tr. 569–71, 621, 674–77, 688.

[89] This authority has been delegated pursuant to 28 CFR §§ 0.100(b) and 0.104 (2010).

DEA, 412 F.3d 165, 173–74 (D.C. Cir. 2005); *JLB, Inc., d/b/a Boyd Drugs,* 53 Fed. Reg. 43945, 43947 (1988); *David E. Trawick, D.D.S.,* 53 Fed. Reg. 5326, 5327 (1988); *see also Joy's Ideas,* 70 Fed. Reg. 33195, 33197 (2005); *David H. Gillis, M.D.,* 58 Fed. Reg. 37507, 37508 (1993); *Henry J. Schwarz, Jr., M.D.,* 54 Fed. Reg. 16422, 16424 (1989). Moreover, the Administrator is ''not required to make findings as to all of the factors . . . .'' *Hoxie* v. *DEA,* 419 F.3d 477, 482 (6th Cir. 2005); *see also Morall,* 412 F.3d at 173–74. The Administrator is not required to discuss consideration of each factor in equal detail, or even every factor in any given level of detail. *Trawick* v. *DEA,* 861 F.2d 72, 76 (4th Cir. 1988) (the Administrator's obligation to explain the decision rationale may be satisfied even if only minimal consideration is given to the relevant factors and remand is required only when it is unclear whether the relevant factors were considered at all). The balancing of the public interest factors ''is not a contest in which score is kept; the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest . . . .'' *Jayam Krishna-Iyer, M.D.,* 74 Fed. Reg. 459, 462 (2009).

In an action to revoke a registrant's COR, the DEA has the burden of proving that the requirements for revocation are satisfied. 21 CFR § 1301.44(e) (2011). The Government may sustain its burden by showing that the Respondent has committed acts inconsistent with the public interest. *Jeri Hassman, M.D.,* 75 Fed. Reg. 8194, 8235–36 (2010). Once DEA has made its *prima facie* case for revocation of the registrant's COR, the burden of production then shifts to the Respondent to present sufficient mitigating evidence to assure the Administrator that he or she can be entrusted with the responsibility commensurate with such a registration. *Steven M. Abbadessa, D.O.,* 74 Fed. Reg. 10077, 10078, 10081 (2009); *Medicine Shoppe-Jonesborough,* 73 Fed. Reg. 364, 387 (2008); *Samuel S. Jackson, D.D.S.,* 72 Fed. Reg. 23848, 23853 (2007);. *Morall,* 412 F.3d at 174; *Humphreys* v. *DEA,* 96 F.3d 658, 661 (3d Cir. 1996); *Shatz* v. *U.S. Dept. of Justice,* 873 F.2d 1089, 1091 (8th Cir. 1989); *Thomas E. Johnston,* 45 Fed. Reg. 72311, 72312 (1980). ''[T]o rebut the Government's *prima facie* case, [the Respondent] is required not only to accept responsibility for [the established] misconduct, but also to demonstrate what corrective measures [have been] undertaken to prevent the reoccurrence of similar acts.'' *Jeri Hassman, M.D.,* 75 Fed. Reg. at 8236. Normal hardships to the practitioner and even to the surrounding community that are attendant upon the lack of registration are not relevant considerations. *Abbadessa,* 74 Fed. Reg. at 10078; *see also Gregory D. Owens, D.D.S.,* 74 Fed. Reg. 36751, 36757 (2009).

The Agency's conclusion that past performance is the best predictor of future performance has been sustained on review in the courts, *Alra Labs.* v. *DEA,* 54 F.3d 450, 452 (7th Cir. 1995), as has the Agency's consistent policy of strongly weighing whether a registrant who has committed acts inconsistent with the public interest has accepted responsibility and demonstrated that he or she will not engage in future misconduct. *Hoxie,* 419 F.3d at 483; *Ronald Lynch, M.D.,* 75 Fed. Reg. 78745, 78749 (2010) (Respondent's attempts to minimize misconduct held to undermine acceptance of responsibility); *George Mathew, M.D.,* 75 Fed. Reg. 66138, 66140, 66145, 66148 (2010); *East Main Street Pharmacy,* 75 Fed. Reg. 66149, 66165 (2010); *George C. Aycock, M.D.,* 74 Fed. Reg. 17529, 17543 (2009); *Abbadessa,* 74 Fed. Reg. at 10078; *Krishna-Iyer,* 74 Fed. Reg. at 463; *Medicine Shoppe,* 73 Fed. Reg. at 387.

While the burden of proof at this administrative level is a preponderance-of-the-evidence standard, *see Steadman* v. *SEC,* 450 U.S. 91, 100–01 (1981), the Administrator's factual findings will be sustained on review so long as they are supported by ''substantial evidence.'' *Hoxie,* 419 F.3d at 481. Thus, ''the possibility of drawing two inconsistent conclusions from the evidence'' does not limit the Administrator's ability to find facts on either side of the contested issues in the case. *Shatz,* 873 F.2d at 1092; *Trawick,* 861 F.2d at 77. However, in rendering a decision, the Administrator must consider all ''important aspect[s] of the problem,'' such as a Respondent's defense or explanation that runs counter to the Government's evidence. *Wedgewood Vill. Pharmacy* v. *DEA,* 509 F.3d 541, 549 (D.C. Cir. 2007); *Humphreys,* 96 F.3d at 663. The ultimate disposition of the case must be in accordance with the weight of the evidence, not simply supported by enough evidence to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury. *Steadman,* 450 U.S. at 99 (internal quotation marks omitted).

Regarding the exercise of discretionary authority, the courts have recognized that gross deviations from past agency precedent must be adequately supported. *Morall,* 412 F.3d at 183. Mere unevenness in application standing alone does not, however, render a particular discretionary action unwarranted. *Chein* v. *DEA,* 533 F.3d 828, 835 (D.C. Cir. 2008) (citing *Butz* v. *Glover Livestock Comm. Co.,* 411 U.S. 182, 188 (1973)), *cert. denied,* U.S., 129 S. Ct. 1033, 1033 (2009). It is well-settled that since the Administrative Law Judge has had the opportunity to observe the demeanor and conduct of hearing witnesses, the factual findings set forth in a recommended decision are entitled to significant deference. *Universal Camera Corp.* v. *NLRB,* 340 U.S. 474, 496 (1951). Thus, a recommended decision constitutes an important part of the record that must be considered in the Administrator's decision. *Morall,* 412 F.3d at 179. However, any recommendations set forth herein regarding the exercise of discretion are not binding on the Administrator and do not limit the exercise of that discretion. 5 U.S.C. § 557(b) (2006); *River Forest Pharmacy, Inc.* v. *DEA,* 501 F.2d 1202, 1206 (7th Cir. 1974); *Attorney General's Manual on the Administrative Procedure Act* 8 (1947).

Factors 1 and 3: The Recommendation of the Appropriate State Licensing Board or Professional Disciplinary Authority; and Any Conviction Record Under Federal or State Laws Relating to the Manufacture, Distribution, or Dispensing of Controlled Substances

In this case, it is undisputed that the Respondent holds a valid and current state license to practice medicine in Florida. The record contains no evidence of a recommendation regarding the Respondent's medical privileges by any cognizant state licensing board or professional disciplinary authority. However, that a state has not acted against a registrant's medical license is not dispositive in this administrative determination as to whether continuation of a registration is consistent with the public interest. *Patrick W. Stodola, M.D.,* 74 Fed. Reg. 20727, 20730 (2009); *Jayam Krishna-Iyer,* 74 Fed. Reg. at 461. It is well-established Agency precedent that a ''state license is a necessary, but not a sufficient condition for registration.'' *Leslie,* 68 Fed. Reg. at 15230; *John H. Kennedy, M.D.,* 71 Fed. Reg. 35705, 35708 (2006). Even the reinstatement of a state medical license does not affect the DEA's independent responsibility to determine whether a registration is in the public interest. *Mortimer B. Levin, D.O.,* 55 Fed. Reg. 9209, 8210 (1990).

The ultimate responsibility to determine whether a registration is consistent with the public interest has been delegated exclusively to the DEA, not to entities within state government. *Edmund Chein, M.D.,* 72 Fed. Reg. 6580, 6590 (2007), *aff'd, Chein* v. *DEA,* 533 F.3d 828 (D.C. Cir. 2008), *cert. denied,* U.S., 129 S. Ct. 1033 (2009). Congress vested authority to enforce the CSA in the Attorney General, not state officials. *Stodola,* 74 Fed. Reg. at 20375. Here, there is no evidence of record that the state licensing board has even considered the issue of a formal action against the Respondent's licensure. Thus, on these facts, the absence of a recommendation by a state licensing board does not weigh for or against a determination as to whether continuation of the Respondent's DEA certification is consistent with the public interest. *See Roni Dreszer, M.D.,* 76 Fed. Reg. 19434, 19444 (2011) (''[T]he fact that the record contains no evidence of a recommendation by a state licensing board does not weigh for or against a determination as to whether continuation of the Respondent's DEA certification is consistent with the public interest.'').

Regarding the third factor (convictions relating to the manufacture, distribution, or dispensing of controlled substances), the record in this case does not contain evidence that the Respondent has been convicted of (or charged with) a crime related to the manufacture, distribution, or dispensing of controlled substances. DEA administrative proceedings are non-punitive and ''a remedial measure, based upon the public interest and the necessity to protect the public from those individuals who have misused controlled substances or their DEA COR, and who have not presented sufficient mitigating evidence to assure the [Administrator] that they can be trusted with the responsibility carried by such a registration.'' *Jackson,* 72 Fed. Reg. at 23853; *Leo R. Miller, M.D.,* 53 Fed. Reg. 21931, 21932 (1988). Where evidence in a particular case reflects that the Respondent has acquired convictions relating to the manufacture, distribution, or dispensing of controlled substances, those convictions must be carefully examined and weighed in the adjudication of whether the issuance of a registration is in the public interest. 21 U.S.C. § 823(f).

Although the standard of proof in a criminal case is more stringent than the standard required at an administrative proceeding, and the elements of both federal and state crimes relating to controlled substances are not always co-extensive with conduct that is relevant to a determination of whether registration is within the public interest, evidence that a registrant has been convicted of crimes related to controlled substances is a factor to be evaluated in reaching a determination as to whether he or she should be entrusted with a DEA certificate. The probative value of an absence of any evidence of criminal prosecution is somewhat diminished by the myriad of considerations that are factored into a decision to initiate, pursue, and dispose of criminal proceedings by federal, state, and local prosecution authorities. *See Robert L. Dougherty, M.D.,* 76 Fed. Reg. 16823, 16833 n.13 (2011); *Dewey C. Mackay, M.D.,* 75 Fed. Reg. 49956, 49973 (2010) (''[W]hile a history of criminal convictions for offenses involving the distribution or dispensing of controlled substances is a highly relevant consideration, there are any number of reasons why a registrant may not have been convicted of such an offense, and thus, the absence of such a conviction is of considerably less consequence in the public interest inquiry''), *aff'd, Mackay* v. *DEA,* 664 F.3d 808 (10th Cir. 2011); *Ladapo O. Shyngle, M.D.,* 74 Fed. Reg. 6056, 6057 n.2 (2009).

Accordingly, consideration of the evidence of record under the first and third factors neither supports the Government's argument for revocation nor militates against it.

Factors 2 and 4: Experience in Dispensing Controlled Substances and Compliance With Applicable State, Federal, or Local Laws Relating to Controlled Substances

In this case, the gravamen of the Government's case seeking revocation relates to its allegations that the Respondent failed to adhere to the CSA's recordkeeping and security requirements and was unable to account for both shortages and overages of controlled substances. Factors Two and Four are relevant to the analysis.

Regarding Factor Two, in requiring an examination of a registrant's experience in dispensing controlled substances, Congress manifested an acknowledgement that the qualitative manner and the quantitative volume in which a registrant has engaged in the dispensing of controlled substances, and how long he or she has been in the business of doing so, are significant factors to be evaluated in reaching a determination as to whether he or she should be entrusted with a DEA COR. In some cases, viewing a registrant's actions against a backdrop of how she has performed activity within the scope of the certificate can provide a contextual lens to assist in a fair adjudication of whether continued registration is in the public interest.

Evidence that a practitioner may have conducted a significant level of sustained activity within the scope of the registration for a sustained period is a relevant and correct consideration, which must be accorded due weight. The registrant's knowledge and experience regarding the rules and regulations applicable to practitioners also may be considered. *See Volusia Wholesale,* 69 Fed. Reg. 69409, 69410 (2004) (List I case).[90] However, the Agency has taken the reasonable position that this factor can be outweighed by acts held to be inconsistent with the public interest. *Jayam Krishna-Iyer,* 74 Fed. Reg. at 463; *see also Jeri Hassman, M.D.,* 75 Fed. Reg. 8194, 8235 (2010) (acknowledging Agency precedential rejection of the concept that conduct which is inconsistent with the public interest is rendered less so by comparing it with a respondent's legitimate activities which occurred in substantially higher numbers); *Paul J. Cargine, Jr.,* 63 Fed. Reg. 51592, 51560 (1998) (''[E]ven though the patients at issue are only a small portion of Respondent's patient population, his prescribing of controlled substances to these individuals raises serious concerns regarding [his] ability to responsibly handle controlled substances in the future.''). The Agency's approach in this regard has been sustained by on review. *Mackay,* 664 F.3d at 819.

Experience which occurred prior or subsequent to proven allegations of malfeasance may be relevant. Evidence that precedes proven misconduct may add support to the contention that, even

[90] In *Cynthia M. Cadet, M.D.,* 76 Fed. Reg. 19450, 19450 n.1 (2011), the Agency reasonably ruled that the *Volusia Wholesale* List I analysis of Factor Two experience would not be applied to practitioner cases where intentional diversion allegations were sustained. However, insofar as the CSA requires consideration of ''experience'' in both the List I and practitioner contexts, it is reasonable (and not inconsistent with existing Agency precedent) to apply this measure in practitioner cases where intentional diversion has not been established. *Compare* 21 U.S.C. 823(h) (List I section mandating consideration of ''any past *experience* of the applicant in the manufacture and distribution of chemicals,'') (emphasis added) *with* 21 U.S.C. 823(f) (practitioner section mandating consideration of ''[t]he applicant's *experience* in dispensing, or conducting research with respect to controlled substances.); *see U.S.* v. *Tinklenberg,* 131 S.Ct. 2007, 2019–20 (2011) (''Identical words used in different parts of a statute are presumed to have the same meaning absent indication to the contrary.''). In reaching this conclusion, the word ''past'' in 823(h) is treated in surplusage for the simple reason that all experience is past. *See* Merriam-Webster's Collegiate Dictionary 440 (11th ed. 2007); *c.f. TMW Enterprises, Inc.* v. *Federal Ins. Co.,* 619 F.3d 574, 580 (6th Cir. 2010) (''[A]pplying the rule against surplusage is often overrated.'').

acknowledging the gravity of a registrant's transgressions, they are sufficiently isolated and/or attenuated that adverse action against his registration may not be compelled by public interest concerns. Likewise, evidence presented by the Government that the proven allegations are congruous with a consistent past pattern of poor behavior can enhance the Government's case.

In a similar vein, conduct which occurs after proven allegations can shed light on whether a registrant has taken steps to reform and/or conform his conduct to appropriate standards. Contrariwise, a registrant who has persisted in incorrect behavior, or made attempts to circumvent Agency directives, even after being put on notice, can diminish the strength of his case. *Novelty, Inc.,* 73 Fed. Reg. 52689, 52703 (2008), *aff'd,* 571 F.3d 1176 (D.C. Cir. 2009); *Southwood Pharm., Inc.,* 72 Fed. Reg. 36487, 36503 (2007); *John J. Fotinopoulous,* 72 Fed. Reg. 24602, 24606 (2007).

In *Jayam Krishna-Iyer,* 74 Fed. Reg. at 463, DEA acknowledged the reality that even a significant and sustained history of uneventful practice under a DEA certificate can be offset by proof that a registrant has committed acts inconsistent with the public interest. *Id.* The Agency, in its administrative precedent, has further curtailed the scope of Factor Two. The Agency's current view regarding Factor Two is that, while evidence of a registrant's experience handling controlled substances may be entitled to some weight in assessing whether errant practices have been reformed, where the evidence of record raises intentional or reckless actions on the part of the registrant, such evidence is entitled to no weight where a practitioner fails to acknowledge wrongdoing in the matters before the Agency. *Cynthia M. Cadet, M.D.,* 76 Fed. Reg. at 19450 n.3; *Roni Dreszer, M.D.,* 76 Fed. Reg. 19434 n.3 (2011); *Michael J. Aruta, M.D.,* 76 Fed. Reg. 19420 n.3 (2011); *Jacobo Dreszer, M.D.,* 76 Fed. Reg. 19386–87 n.3 (2011). Even, ''evidence that a practitioner has treated thousands of patients does not negate a prima facie showing that the practitioner has committed acts inconsistent with the public interest.'' *Jayam Krishna-Iyer, M.D.,* 74 Fed. Reg. at 463.This evolution is rooted in the sensible logic that conduct that is never acknowledged as improper cannot reasonably be argued as aberrant. This is so because the actor in such a scenario has not isolated his past actions to be in any way wrong and worthy of avoidance in the future. This feature of the Agency's interpretation of its statutory mandate has also been sustained on review. *Mackay,* 664 F.3d at 822.

As discussed more fully, *infra,* the Government's evidence that the Respondent improperly prescribed Demerol to replenish office stocks, as well as the actions he took upon being apprised of his deficiencies as a registrant reflect negatively and positively, respectively under Factor Two.

Regarding Factor Four (compliance with laws related to controlled substances), to effectuate the dual goals of conquering drug abuse and controlling both legitimate and illegitimate traffic in controlled substances, ''Congress devised a closed regulatory system making it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA.'' *Gonzales* v. *Raich,* 545 U.S. 1, 13 (2005). ''Recordkeeping is one of the central features of the CSA's closed system of distribution. . . . . A registrant's accurate and diligent adherence to this obligation is absolutely essential to protect against the diversion of controlled substances.'' *Satinder Dang, M.D.,* 76 Fed. Reg. 51424, 51429 (2011) (internal punctuation and citations omitted). There is no question that the maintenance of accurate records by registrant's is key to the DEA's ability to fulfill its obligations to regulate controlled substances. As previously held by the Agency, ''[r]ecordkeeping is one of the CSA's central features; a registrant's accurate and diligent adherence to this obligation is absolutely essential to protect against the diversion of controlled substances.'' *Paul H. Volkman,* 73 Fed. Reg. 30630, 30633 (2008), *aff'd, Volkman,* 567 F.3d at 224 (DEA Administrator's reliance on recordkeeping violations in denying COR application specifically upheld). Thus, recordkeeping deficiencies may ''provide[] reason alone to conclude (with respect to factors two and four) that [a registrant's] continued registration is inconsistent with the public interest.'' *Id.* (internal punctuation omitted). However, the Agency has also held that where non-egregious recordkeeping errors are acknowledged and remedied promptly, revocation may not always be required. *Terese, Inc., d/b/a/Peach Orchard Drugs,* 76 Fed. Reg. 46843, 46848 (2011).

In *Terese,* substantial evidence established that the registrant had failed to conduct an initial inventory as required under 21 CFR § 1304.11(b), failed to execute a power of attorney form as required by 21 CFR § 1305.05(a), and failed to include dates on DEA Forms 222, as required by 21 CFR § 1305.13(e). In declining to revoke Terese's registration, the Agency, emphasizing that the registrant had accepted responsibility for its violations and had instituted corrective actions, determined that, under the circumstances, the three recordkeeping violations did not render its continued registration inconsistent with the public interest. *Id.* at 46848. In *Ideal Pharmacy Care, Inc. d/b/a/Esplande Pharmacy,* 76 Fed. Reg. 51415, 51416 (2011), an audit of the registrant's records showed a shortage of 150,000 dosage units of hydrocodone, 83,000 dosage units of alprazolam, and 1.6 million milliliters of promethazine with codeine. However, in contrast to *Terese,* the Agency found [91] that Ideal Pharmacy's failure to maintain accurate records constituted an act which rendered its continued registration inconsistent with the public interest. *Id.* Taken together, *Ideal* and *Terese* indicate that, when considering recordkeeping violations, the Agency has coupled consideration of the degree of severity with an analysis of whether the registrant has both acknowledged culpability and demonstrated credible efforts aimed at correction. The current state of the Agency's precedent thus provides a logical framework upon which the current evidence can be evaluated.

DEA regulations provide that ''[e]very registrant required to keep records pursuant to § 1304.03 [92] shall maintain on a current basis a complete and accurate record of each substance . . . imported, received, sold, delivered, exported, or otherwise disposed of by him/her, except that no registrant shall be required to maintain a perpetual inventory.'' 21 CFR § 1304.21(a). Additionally, Florida law requires that all persons dispensing or distributing controlled substances must, ''on a current basis, [maintain] a complete and accurate record of each substance, manufactured, received, sold, delivered, or otherwise disposed of by him or her.'' Fla. Stat. § 893.07(1)(b).

In this case, factual issues related to compliance with applicable laws do not reflect well on the Respondent's suitability as a registrant. DI McRae's audit revealed shortages of Demerol and 50 mcg/ml fentanyl accounting for approximately 75% and 100% of the Respondent's inventory, respectively.

[91] The registrant in *Ideal* waived its right to hearing and presented no evidence to the Agency on its behalf. *Id.*

[92] Section 1304.03 provides that ''[e]each registrant shall maintain the records and inventories and shall file the reports required by this part, except as exempted by this section.'' Respondent does not contend that any of the § 1304.03 exemptions apply in this case.

Furthermore, the audit revealed overages of: (1) 2,371.6% of the Respondent's inventory of 100 mcg/ml fentanyl; (2) 100% of the Respondent's inventory of 10 mg/10ml Midazolam; and (3) 290.2% of Respondent's inventory of 2 mg/2 ml Versed. Gov't Ex. 10. The audit conducted by Respondent's expert likewise found significant shortages of Diazepam and fentanyl, but no overages.[93] Resp't Ex. 18. While the dates and results of the audits conflict, it is unnecessary to resolve the differences because, regardless of the audit considered, it is clear that the Respondent's records were disturbingly inaccurate, that the discrepant amounts were significant, and that substantial evidence supports the conclusion that the Respondent violated federal law by failing to maintain a complete and accurate record of each substance. *See Bill Lloyd Drug,* 64 Fed. Reg. 1823, 1824 (1999) (''The shortages and overages revealed by the accountability audit show that Respondent does not keep complete and accurate records of its controlled substance handling as required by 21 U.S.C. 827 and 21 CFR 1304.21.''); *see also Alexander Drug Company, Inc.,* 66 Fed. Reg. 18299, 18303 (2001) (Shortages or overages constitute violations of 21 CFR § 1304.21 and 21 U.S.C. § 827.); *Ellis Turk, M.D.,* 62 Fed. Reg. 19603, 19605 (1997) (same). Furthermore, insofar as it is clear that the Respondent failed to maintain accurate records of the controlled substances received at his office, substantial evidence supports a conclusion that he violated Fla. Stat. § 893.07(1)(b). These are conclusions that the Respondent does not resist.

DEA regulations also require that ''[i]nventories and records of controlled substances listed in Schedules I and II shall be maintained separately from all of the records of the registrant.'' 21 CFR § 1304.04(f)(1). Florida law has also adopted the separate record requirement for inventories and records of Schedule I or Schedule II controlled substances. Fla. Stat. § 893.07(4)(A). In the present matter, substantial evidence supports the conclusion that the Respondent violated the foregoing federal and state separate records requirements by maintaining his Schedule II records with other records in the peer review pharmacy book. Tr. 105–06.

DEA regulations require that each registrant ''take a new inventory of all stocks of controlled substances on hand at least every two years.'' 21 CFR § 1304.11(c). Florida law has also adopted this biennial record requirement. *See* Flat. Stat. § 893.07(1)(a). The Government's evidence establishes that the Respondent did not conduct the biennial inventory as required by these federal and state regulations. Tr. 87.

DEA regulations also contain a requirement that a purchaser desiring to obtain a supply of Schedule I or Schedule II controlled substances must execute three copies of a DEA Form 222. *See* 21 CFR §§ 1304.03, 1304.13. Upon completion, two copies must be sent to the supplier, while one copy must be retained by the purchaser. 21 CFR § 1301. These federal regulations require that the purchaser retain its copy of the form in its files, and that the supplier retain its copies of the form in its files. *Id.* ''The purchaser must record on [its copy] of the DEA Form 222 the number of commercial or bulk containers furnished on each item and the dates on which the containers are received by the purchaser.'' 21 CFR § 1305.13(e). It is a violation of the regulations to file an incomplete, illegible, improperly prepared, improperly executed, or improperly endorsed Form 222. 21 CFR § 1305.15(a)(1). Similarly, 21 CFR § 1305.03, requires that (subject to specified exceptions not applicable here) ''a DEA Form 222 or its electronic equivalent . . . is required for each distribution of a Schedule I or II controlled substance.'' In the present case, the Respondent transferred Schedule II controlled substances from his registered address, in Miami, Florida, to a Tampa, Florida, PCCS office, without complying with the federal recordkeeping requirements of section 1305.03. Tr. 64–65, 426–27. Furthermore, it is undisputed that the Respondent failed to fill out at least fourteen Form 222s properly, insofar as he did not record the quantity of controlled substance shipments received, or the dates that the shipments arrived. Gov't Ex. 6.

Beyond the recordkeeping violations at issue here, the Government has also alleged that the Respondent ''failed to properly dispose of controlled substances in violation of 21 CFR § 1307.21(a)(1).'' Section 1307.21(a)(1) provides that, a person desiring to dispose of a controlled substance may contact the cognizant DEA Special Agent in Charge in order to gain authority to dispose of the substance. Necessarily, this language implies that a person who does not request assistance to dispose of a controlled substance does not have authority to dispose of such substance. This is a classic example of permissive language which ''plainly carr[ies] a restrictive meaning.'' *See Forest Grove School Dist.* v. *T.A.,* 129 S.Ct. 2484, 2499 n. 1 (2009) (citing *Carlisle* v. *U.S.,* 517 U.S. 416–431–32 (1996) (collecting cases)). Under a plain reading of the regulation, a registrant is not required to dispose of controlled substances, but once he or she elects to do so, such disposal may not be made without authorization from the specified DEA official. To obtain the necessary authorization, a registrant ''shall list the controlled substance or substances which he . . . desires to dispose of on DEA Form 41, and submit three copies of that form to the Special Agent in Charge in his . . . area.'' 21 CFR § 1307.21(a)(1). Here, substantial evidence supports the conclusion that, on numerous occasions, the Respondent disposed of controlled substances without notifying the DEA. Tr. 60, 142.

In its charging document, the Government also alleged that the Respondent failed to execute a power of attorney to authorize VM to order controlled substances on his behalf, as required by 21 CFR § 1305.05(a). ALJ Ex. 1 at 2. Section 1305.05 provides, in relevant part, that ''[a] registrant may authorize one or more individuals . . . to issue orders for Schedule I and II controlled substances on the registrant's behalf by executing a power of attorney for each such individual . . . .'' As with the disposal provisions discussed above, the language of section 1305.05 clearly is intended to create a restrictive meaning whereby a registrant may not authorize another person to issue orders for Schedule I or Schedule II controlled substances absent an authorized power of attorney. *See Forest Grove School Dist.,* 129 S.Ct. at 2499 n. 1. During the hearing, DI McRae testified that the Respondent's practice of having a staff member fill out the DEA Form 222s was not a violation of the relevant regulation because the Respondent signed the DEA Form 222s. Tr. 184. Thus, this allegation stands unsupported by the evidence of record.

The Government contends that the Respondent ''failed to provide an adequate system for monitoring the receipt, distribution, and disposition of controlled substances, in violation of 21 CFR §§ 1305.05(a) and 1301.71.'' Gov't Posthearing Brief, at 20; *see also* ALJ Ex. 1, at 2. As an initial matter, as discussed immediately above, DI McRae testified that the Respondent's ordering process was not a violation of the power of attorney requirements of section 1305.05. Tr. 184. As to the allegation of a security violation, 21 CFR § 1301.71 provides, in relevant part, that ''[a]ll applicants and registrants shall provide effective controls and procedures to

[93] As explained above, the Mr. Litman's audit did not consider the Respondent's supplies of Midazolam.

guard against theft and diversion of controlled substances. In order to determine whether a registrant has provided effective controls against diversion, the Administrator shall use the security requirements set forth in §§ 1301.72–1301.76 as standards for the physical security controls and operating procedures necessary to prevent diversion.'' However, 21 CFR § 1301.71(b) sets forth fifteen factors which may be used to determine whether there is a ''need for strict compliance with [the] security requirements.'' Of relevance here, one of the section (b) factors is ''[t]he adequacy of the registrant's . . . system for monitoring the receipt, manufacture, distribution, and disposition of controlled substances in its operations.'' 21 CFR § 1301.71(b)(14).

While the ''security requirements'' set forth in sections 1301.72 through 1301.76 are used as standards to determine compliance with section 1301.71(a), the language of each of these sections is phrased in mandatory terms. *See e.g.,* 21 CFR § 1301.75(a) (''Controlled substances listed in Schedule I *shall* be stored in a securely, locked, substantially constructed cabinet.'') (emphasis added); 21 CFR 1301.76(a) (''The registrant *shall not* . . . .'') (emphasis added). Thus, while compliance with the security provisions is a consideration under 21 CFR § 1301.71(a)'s inquiry into the adequacy of a registrant's security system, violation of any such provision will be an independent consideration under Factor Four. In contrast, insofar as the factors set forth in subsection (b) are to be used only to determine the ''need for strict compliance with [the] security requirements,'' it follows that non-compliance with any of the factors in subsection (b) is not a *per se* violation of the security requirements. Accordingly, the Government's contention that the Respondent's alleged violation of section 1301.71(b)(14) may be used to sustain a violation of section 1301.71(a)'s security requirements is a facially defective allegation *ab initio.*

Finally, DEA regulations provide explicitly that ''[a] prescription may not be issued in order for an individual practitioner to obtain controlled substances for supplying the individual practitioner for the purpose of general dispensing to patients.'' 21 CFR § 1306.04(b). Similarly, Florida law provides as grounds for a disciplinary action the act of ''[p]rescribing any medicinal drug appearing on Schedule II [94] in chapter 893 by the physician for office use.'' Fla. Stat. § 458.331(1)(bb). Here, the Government's evidence establishes that on a single occasion, the Respondent procured Demerol through a prescription written in the name of an individual who was never intended as its recipient, in violation of federal and state law.[95]

In light of the foregoing, substantial evidence of record supports a finding that: (1) The Respondent violated 21 CFR § 1304.21(a) and Fla. Stat. § 893.07(1)(b) by failing to keep accurate records of controlled substances; (2) the Respondent violated 21 CFR § 1304.04(f)(1) and Fla. Stat. § 893.07(4)(A) by failing to maintain inventories and records of Schedule I and Schedule II controlled substances separately from other inventories and records; (3) the Respondent transferred Schedule II controlled substances from his registered address without complying with the recordkeeping requirements of section 1305.03; (4) the Respondent disposed of controlled substances without completing a DEA Form 41, as required by 21 CFR § 1307.21(a)(1); and (5) the Respondent violated 21 CFR § 1306.04(b) and Fla. Stat. § 458.331(1)(bb) by prescribing Demerol for office use, which also reflected negatively on the Respondent's experience in dispensing controlled substances under Factor Two.

Insofar as the preceding statutes and regulations relate to controlled substances, this litany of violations weighs substantially in favor of revocation under Factor Four. *See Ideal Pharmacy,* 76 Fed. Reg. at 51416 (Severe recordkeeping violations sufficient to meet Government's *prima facie* burden). Regarding the Respondent's experience in dispensing controlled substances under Factor Two, the record establishes that, prior to the events underlying this case, the Respondent practiced uneventfully for more than thirty years—at least to the extent that his conduct did not arouse the attention of DEA or other regulatory authorities. Tr. 549–62. As discussed, *supra,* in view of the Respondent's election to take responsibility for his wrongdoings, and because there has been no intentional diversion proven in this case, such experience may be considered in a positive light under Factor Two. *See supra* note 98 and accompanying text. However, the positive value of such experience is tempered by the Respondent's admitted uncertainty regarding certain requirements of DEA regulations. *See* Tr. 595, 680–81 (Where the Respondent expressed uncertainty regarding DEA requirements); *see also Volusia Wholesale,* 69 Fed. Reg. at 69410 (Factor Two requires consideration of the Respondent's knowledge of DEA regulations and requirements). Furthermore, the evidence or record which unequivocally establishes that he issued a Demerol prescription to improperly replenish his office stocks reflects that the Respondent is an individual who simply did not make any serious effort to understand his important responsibilities as a registrant.[96] Under these circumstances, the experience component of Factor Two, even assuming, *arguendo,* that the Respondent's many years of prior practice were compliant with the applicable regulations, weighs in favor of revocation.

Factor Five: Such Other Conduct Which May Threaten the Public Health and Safety

The fifth statutory public interest factor directs consideration of ''[s]uch *other conduct* which may threaten the public health and safety.'' 21 U.S.C. 823(f)(5) (emphasis supplied). Existing Agency precedent has long held that this factor encompasses ''conduct which creates a probable or possible threat (and not only an actual [threat]) to public health and safety.'' *Dreszer,* 76 FR at 19434 n.3; *Aruta,* 76 FR at 19420 n.3; *Boshers,* 76 Fed. Reg. 19403 n.4; *Dreszer,* 76 FR at 19386–87 n.3. Agency precedent has generally embraced the principle that any conduct that is properly the subject of Factor Five must have a nexus to controlled substances and the underlying purposes of the CSA. *Terese,* 76 FR 46848; *Tony T. Bui, M.D.,* 75 FR 49979, 49989 (2010) (prescribing practices related to a non-controlled substance such as human growth hormone may not provide an independent basis for concluding that a registrant has engaged in conduct which may threaten public health and safety); *cf., Paul Weir Battershell, N.P.,* 76 FR 44359, 44368 n.27 (2011) (although

[94] Meperidine, the generic form of Demerol, is listed as a Schedule II drug under Chapter 893 of the Florida code. *See* Fla. Stat. § 893.03(2).

[95] As discussed elsewhere in this recommended decision, the evidence of record presented by the Government simply did not support its espoused theory that VM was addicted to and abusing Demerol which was supplied by the Respondent. Agency precedent is clear that ''under the substantial evidence test, the evidence must 'do more than create a suspicion of the existence of the fact to be established.'" *Alvin Darby, M.D.,* 75 FR 26993, 26999, n.31 (2010) (citing *NLRB* v. *Columbian Enameling & Stamping Co.,* 306 U.S. 292, 300 (1939)).

[96] The act of prescribing is a form of ''dispensing'' under the CSA. 21 U.S.C. § 802(10).

a registrant's non-compliance with the Food, Drug, and Cosmetic Act is not relevant under Factor Five, consideration of such conduct may properly be considered on the narrow issue of assessing a respondent's future compliance with the CSA).

Similar ''catch all'' language is employed by Congress in the CSA related to the Agency's authorization to regulate controlled substance manufacturing and List I chemical distribution, but the language is by no means identical. 21 U.S.C. 823(d)(6), (h)(5). Under the language utilized by Congress in those provisions, the Agency may consider ''such *other factors* as are relevant to and consistent with the public health and safety.'' *Id.* (emphasis supplied). In *Holloway Distributors,* 72 FR 42118, 42126 (2007), the Agency held this catch all language to be broader than the language directed at practitioners under ''other conduct which may threaten the public health and safety'' utilized in 21 U.S.C. 823(f)(5). In *Holloway,* the Administrator stated that regarding the List I catch all:

> [T]he Government is not required to prove that the [r]espondent's conduct poses a threat to public health and safety to obtain an adverse finding under factor five. *See T. Young,* 71 [Fed. Reg.] at 60572 n.13. Rather, the statutory text directs the consideration of ''such other factors as are relevant to and consistent with the public health and safety.'' 21 U.S.C. § 823(h)(5). This standard thus grants the Attorney General broader discretion than that which applies in the case of other registrants such as practitioners. See id. § 823(f)(5) (directing consideration of ''[s]uch other conduct which may threaten the public health and safety'').

72 FR at 42126.[97] Thus, the Agency has recognized that, while the fifth factor applicable to List I chemical distributors—21 U.S.C. 823(h)(5)—encompasses all ''factors,'' the Factor Five applied to practitioners—21 U.S.C. § 823(f)(5)—considers only ''conduct.'' However, because section 823(f)(5) only implicates ''such *other* conduct,'' it necessarily follows that conduct considered in Factors One through Four may not be considered at Factor Five.

In this case, the Government has not alleged any conduct which may be properly considered under Factor Five.[98] Accordingly, Factor Five does not weigh for or against revocation.

Recommendation

Based on the foregoing, the Government has certainly established that the Respondent has committed acts that are inconsistent with the public interest. Consideration of the record evidence under the Fourth and Second Factors weighs in favor of revocation. On this record, the recordkeeping violations are alone are sufficient to establish a *prima facie* case that the Respondent has committed acts which render his continued registration inconsistent with the public interest. *See Ideal Pharmacy,* 76 Fed. Reg. at 51416 (Severe recordkeeping violations sufficient to meet Government's *prima facie* burden). However, this is not a case of only recordkeeping violations. Indeed, the record also establishes violations of the disposal and dispensing provisions of the CSA. Accordingly, a balancing of the statutory public interest factors as presented by the Government in its case-in-chief is sufficient to sustain a revocation of the Respondent's COR. *Id.*

Because the Government has sustained its burden of showing that Respondent committed acts inconsistent with the public interest, the burden shifts to the Respondent to show that he can be entrusted with a DEA registration. As discussed above, ''to rebut the Government's *prima facie* case, [the Respondent] is required not only to accept responsibility for [the established] misconduct, but also to demonstrate what corrective measures [have been] undertaken to prevent the reoccurrence of similar acts.'' *Jeri Hassman, M.D.,* 75 Fed. Reg. at 8236; *Hoxie v. DEA,* 419 F.3d 477, 483 (6th Cir. 2005); *Ronald Lynch, M.D.,* 75 Fed. Reg. 78745, 78749 (Respondent's attempts to minimize misconduct held to undermine acceptance of responsibility); *George Mathew, M.D.,* 75 Fed. Reg. 66138, 66140, 66145, 66148 (2010); *George C. Aycock, M.D.,* 74 Fed. Reg. 17529, 17543 (2009); *Steven M. Abbadessa, D.O.,* 74 Fed. Reg. 10077, 10078 (2009); *Jayam Krishna-Iyer, M.D.,* 74 Fed. Reg. 459, 463 (2009); *Medicine Shoppe-Jonesborough,* 73 Fed. Reg. 364, 387 (2008). This feature of the Agency's interpretation of its statutory mandate has been sustained on review. *Mackay,* 664 F.3d at 822. Evidence that the Respondent has persisted in wrongful activity after being informed of a violation will weigh against a finding that he may be entrusted with continued registration. *See Paul Weir Battershell, N.P.,* 76 Fed. Reg. 44359, 44368 (2011) (finding that continued violations ''raises a serious question as to whether Respondent can be trusted to responsibly discharge his obligations as a registrant.''). In contrast, prompt corrective action weighs in a respondent's favor. *Terese,* 76 Fed. Reg. at 46848.

In this case, the preponderant credible evidence establishes that, after learning that his Form 222s were not completed at the time of receipt and were stored improperly, the Respondent assumed control of the receipt of drugs and created a separate folder for the Form 222s. Tr. 569–71, 624–27. Upon his (albeit late) estimation that controlled substances may have been diverted at the time of receipt at PCCS, the Respondent prohibited the opening of controlled substance shipments without his supervision. Tr. 569–71. As a further safeguard against diversion, the Respondent assumed exclusive control of the controlled substances safe and has installed procedures requiring the keeping of an accurate perpetual inventory. Tr. 365–68; 569–71. Violations regarding the creation and maintenance of biennial inventories have been corrected as well. Tr. 365–68. Finally, to ensure future compliance, the Respondent has retained a new pharmacy consultant. Tr. 365. While it is unquestionably fair to observe that these steps amount to no more than a prudent registrant would be required to undertake without the Government enduring the expense of an administrative enforcement action, these proceedings are not punitive, and current Agency precedent places high value on acknowledgement of wrongdoing and establishment of measures to preclude future transgressions.

The Government argues that, despite taking these steps, the Respondent has failed to rebut the Government's case because: (1) The ''Respondent was unaware of his obligations [as a registrant]'' (2) the Respondent ''exhibited ongoing violations of Federal law;'' and (3) the Respondent ''admitted that he does not have a system in place to prevent the future of diversion [sic] of controlled substances.'' Gov't Posthearing Brief, at 22–23.

Addressing the purported lack of controls against diversion, the Government contends that the

[97] In *Bui,* the Agency clarified that ''an adverse finding under [Factor Five did not require a] showing that the relevant conduct actually constituted a threat to public safety.'' 75 Fed. Reg. 49888 n.12.

[98] In the section of its brief dealing with Factor Five, the Government alleges that the ''Respondent was unaware of his obligations [as a registrant]'' (2) the Respondent ''exhibited ongoing violations of Federal law;'' and (3) the Respondent ''admitted that he does not have a system in place to prevent the future of diversion [sic] of controlled substances.'' Gov't Posthearing Brief, at 22–23. These issues are more properly considered under the discussion of the Respondent's rebuttal case, *infra. See Hassman,* 75 Fed. Reg. at 8236 (''to rebut the Government's *prima facie* case, [the Respondent] is required not only to accept responsibility for [the established] misconduct, but also to demonstrate what corrective measures [have been] undertaken to prevent the reoccurrence of similar acts.'').

''Respondent specifically testified that he is not at his registered address when controlled substances arrive and that controlled substances are left unguarded at the registered location and can be left unsecured for up to two days due to his absence from the clinic.'' Gov't Posthearing Brief, at 24. Without entering a specific finding on the issue, it would be difficult to characterize this argument as anything other than a clear misstatement of the Respondent's testimony. The Respondent testified that, because he has prohibited employees at PCCS from opening shipments of controlled substances, and because he is not in the practice every day, it is possible that a *future* shipment of controlled substances *could* be left unsecured, but that he is in the process of divining a solution to the issue and intends to contact DI McRae to seek her counsel on the matter. Tr. 569–71, 675–77. The Respondent also testified that he felt that he could place an order for controlled substances so as to avoid a shipment from being delivered on a day that he is absent. Tr. 689. Given this testimony, and the specified remedial steps outlined above, the Government's contention that the Respondent replied at this hearing that he ''does not have a system in place to prevent . . . future diversion'' [99] is simply not what the man said.[100]

Turning to the alleged post-inspection violations, the record establishes that the Respondent disposed of approximately ten vials of Demerol in May of 2011 and that, despite learning of thefts of controlled substances which occurred as late as February or March of 2011, the Respondent failed to notify the Miami Field Division Office of such thefts and to file a DEA Form 106 reporting the thefts, in violation of 21 C.F.R. § 1301.76(b).[101] Under the circumstances presented here, where the Respondent first became aware of the recordkeeping deficiencies in the course of an audit that was conducted by DI McRae, that the Respondent did not submit a report of theft to DEA during active enforcement proceedings, based on the litigation theory of his counsel that a former employee may have perpetrated diversion, is not evidence that persuasively militates in favor of revocation. While post-inspection violations can raise ''a serious question as to whether [the] Respondent can be trusted to responsibly discharge his obligations as a registrant,'' they do not compel revocation on their own, *Battershell, N.P.,* 76 Fed. Reg. at 44368–69 (declining to revoke registration despite post-inspection violations), and clearly do not do so in this case.

In whole, the Respondent has expressed contrition for his negligence and has corrected every violation represented to him, but for the unlicensed disposal, which was brought to the attention of the DEA by the Respondent himself, and the failure to report thefts, which were brought to the Government's attention during this proceeding as a potential defense investigated and tendered by Respondent through counsel. While the post-inspection violations are relevant considerations, on this record, they are not dispositive to the public interest inquiry. *Battershell, N.P.,* 76 Fed. Reg. at 44368–69. Rather, the record has a whole shows that the Respondent has transgressed profoundly in his failure to understand and execute his obligations as a registrant, acknowledged his failings without discernible reservation, made a committed and sustained effort to come into compliance with the requirements of the CSA, DEA, and state law, and has outlined a reasonable approach to maintaining that compliance. Thus, the Respondent has successfully demonstrated, that he can be entrusted with continued registration. *Jeri Hassman, M.D.,* 75 Fed. Reg. at 8236. These proceedings are non-punitive,[102] and current Agency precedent requires no more to lodge successful rebuttal to the Government's prima facie case.

Accordingly, the Respondent, consistent with the direction set forth in the OSC issued in this matter, has successfully shown cause why his Certificate of Registration should not be revoked, and thus, the Government's petition to revoke the Respondent's Registration should be DENIED. However, the record in this matter justifies the IMPOSITION OF SPECIFIED CONDITIONS ON THE RESPONDENT'S REGISTRATION, *to wit:* (1) the Respondent must comply with all regulatory obligations relative to the prescribing, dispensing, storage, and handling of controlled substances under his COR; (2) the Respondent, at his own expense, shall submit regular reports at sixty-day intervals (or such other interval as directed by DEA) to a designated DEA official, from an independent pharmacy contractor, pre-approved by a designated DEA official, reflecting monthly regulatory compliance inspections; and (3) within thirty days of the issuance a final Agency order in this case, the Respondent will execute a document memorializing an irrevocable consent for any and all agents of DEA to inspect any and all records related to the handling and prescribing of controlled substances for a period of one year. The Respondent is placed on notice that the failure on his part to timely and correctly submit all documentation required by these conditions, and to comply scrupulously with all requirements set forth in these enumerated conditions, will constitute an independent basis for administrative enforcement proceedings.

Dated: March 1, 2012.

John J. Mulrooney, II,

Chief Administrative Law Judge.

[FR Doc. 2014–07806 Filed 4–7–14; 8:45 am]

BILLING CODE 4410–09–P

[99] Gov't Posth'g Brf. at 23.

[100] *C.f., Berger* v. *United States,* 295 U.S. 78, 88 (1935) (a prosecutor ''may strike hard blows [but is not] at liberty to strike foul ones'').

[101] 21 C.F.R. § 1301.76(b) provides, in relevant part: ''The registrant shall notify the Field Division Office of the Administration in his area, in writing, of the theft or significant loss of any controlled substances within one business day of discovery of such loss or theft. The registrant shall also complete, and submit to the Field Division Office in his area, DEA Form 106 regarding the loss or theft.''

[102] *See Jackson,* 72 Fed. Reg. at 23853; *Leo R. Miller, M.D.,* 53 Fed. Reg. 21931, 21932 (1988).

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, April 17, 2014.

PLACE: U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC

STATUS: Open.

MATTERS TO BE CONSIDERED: Approval of January 14, 2014 minutes; reports from the Chairman, the Commissioners, and senior staff; Short Intervention For Success Program; Proposed Rulemaking Revising Conditions of Release update.

CONTACT PERSON FOR MORE INFORMATION: Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7001.

Dated: April 3, 2014.

J. Patricia W. Smoot,

Acting General Counsel, U.S. Parole Commission.

[FR Doc. 2014–07912 Filed 4–4–14; 11:15 am]

BILLING CODE 4410–31–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 12:00 p.m., Thursday, April 17, 2014.

PLACE: U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Determination on six original jurisdiction cases.

CONTACT PERSON FOR MORE INFORMATION: Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7001.

Dated: April 3, 2014.

J. Patricia W. Smoot,

Acting General Counsel, U.S. Parole Commission.

[FR Doc. 2014–07913 Filed 4–4–14; 11:15 am]

BILLING CODE 4410–31–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Waiver of Surface Sanitary Facilities Requirements

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Application for Waiver of Surface Sanitary Facilities Requirements,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 8, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201402-1219-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: The DOL seeks to extend PRA authorization for the Application for Waiver of Surface Sanitary Facilities Requirements specified in regulations 30 CFR 71.403, 71.404, 75.1712–4, and 75.1712–5. MSHA regulations require a covered coal mine operator to provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use of the miners. *See* CFR 71.400 through 71.402 and 75.1712–1 through .1712–3. The regulations allow an operator that is unable to meet any or all of the requirements to apply for a waiver. *See* 30 CFR 71.403, 71.404, 75.1712–4, and 75.1712–5. The coal mine operator files the application with the MSHA District Manager for the district in which the mine is located. The application must contain the name and address of the mine operator, name and location of the mine, and a detailed statement of the grounds on which the waiver is requested. At the same time the application is sent to the MSHA District Manager, the operator must forward a copy to the appropriate Regional Program Director, National Institute for Occupational Safety and Health, and a post copy showing the addresses of the appropriate District Manager and Regional Program Director for at least thirty (30) days on the mine bulletin board.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0024.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 27, 2013 (78 FR 79008).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0024. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Application for Waiver of Surface Sanitary Facilities Requirements.

OMB Control Number: 1219–0024.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 887.

Total Estimated Number of Responses: 887.

Total Estimated Annual Time Burden: 368 hours.

Total Estimated Annual Other Costs Burden: $4,435.

Dated: April 1, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–07754 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,096]

Newark Recycled Paperboard Solutions; Newark Paperboard Products; Greenville, Pennsylvania; Notice of Negative Determination Regarding Application for Reconsideration

By application dated January 4, 2014 a worker requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of Newark Recycled Paperboard Solutions, Newark Paperboard Products, Greenville, Pennsylvania (subject firm) to apply for Trade Adjustment Assistance (TAA). The negative determination was issued on November 13, 2013, and the Department's Notice of negative determination was published in the **Federal Register** on December 9, 2013 (78 FR 73888). The subject workers produce recycled paperboard tubes and cores. Workers are not separately identifiable by product line.

The negative determination was issued because the subject firm did not shift to a foreign country production of articles like or directly competitive with the recycled paperboard tubes and cores produced by the workers at the subject firm; the subject firm did not, during the relevant period, increase imports of articles like or directly competitive with the recycled paperboard tubes and cores produced by the workers at the subject firm; declining customers of the subject firm did not, during the relevant period, increase imports of articles like or directly competitive with the recycled paperboard tubes and cores produced by the workers of the subject firm; the subject firm was not a Supplier or Downstream Producer to a firm that employed a worker group eligible to apply for TAA, per Section 222(b) of the Trade Act of 1974, as amended (the Act); and the subject firm was not identified by name by the International Trade Commission, per Section 222(e) of the Act.

Pursuant to 29 CFR 90.18(c), administrative reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The request for reconsideration asserts that, due to the closure of two facilities that employed worker groups who are eligible to apply for TAA (TA–W–80,495 and TA–W–81,155), the costs of shipping of raw material to the Newark, Pennsylvania facility has increased, that ''several of our customers have already been transferred to Canada'' and that another customer (Aurubis) was scheduled to transfer to Canada. The request concludes that the increased costs of raw material and the customers' decision to shift operations to Canada have ''directly affected'' employment at the subject firm.

After careful review of the request for reconsideration, the support documentation, and previously submitted materials, the Department determines that there is no new information that supports a finding that Section 222 of the Trade Act of 1974 was satisfied and that no mistake or misinterpretation of the facts or of the law with regards to the number or proportion of workers separated from the subject firm during the relevant period.

During the initial investigation, the Department took into consideration the aforementioned certifications, inquired into imports of recycled paperboard tubes and cores (and like or directly competitive articles) by both the subject firm and the firm's major declining customers, inquired whether the subject firm shifted to a foreign country the production of recycled paperboard tubes and cores (and like or directly competitive articles) or acquired such production from a foreign country, considered whether or not the workers of the subject firm are secondarily-affected workers, and reviewed the International Trade Commission's findings, and did not find that such activity occurred during the relevant period.

The Department notes that, for purposes of the Act, the shift of customers' operations to a foreign country is not a basis for certification.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 14th day of March 2014.

Del Min Amy Chen,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2014–07743 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 18, 2014.

Interested persons are invited to submit written comments regarding the

subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 18, 2014.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 27th day of March 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[19 TAA petitions instituted between 3/17/14 and 3/21/14]

TA–W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
85150	Clear (Workers)	Palatine, IL	03/18/14	03/12/14
85151	Kodak Alaris Colorado (Company)	Windsor, CO	03/18/14	03/15/14
85152	Liebert North American Inc. (State/One-Stop)	Ironton, OH	03/18/14	03/14/14
85153	Staples Inc. (Corporate HQ) (State/One-Stop)	Framingham, MA	03/18/14	03/14/14
85154	Xerox Corporation (State/One-Stop)	El Segundo, CA	03/18/14	03/14/14
85155	Diversified Machine (Workers)	Edon, OH	03/18/14	03/04/14
85156	3M Caribe LLC (State/One-Stop)	Las Piedras, PR	03/18/14	03/17/14
85157	TT Electronics (Company)	Smithfield, NC	03/19/14	03/18/14
85158	Cox Communications CAL, LLC (Workers)	Rancho Santa Margarita, CA	03/19/14	03/18/14
85159	Seagate Technologies Inc. (Workers)	Bloomington, MN	03/19/14	03/18/14
85160	Cargill Meat Solutions Corporation (Union)	Plainview, TX	03/19/14	03/18/14
85161	Schiller-Pfeiffer Machine (Union)	Emmaus, PA	03/19/14	03/14/14
85162	Kuehne + Nagel Inc (Company)	Naugatuck, CT	03/20/14	03/19/14
85163	Creative Apparel (RybarczyKETAL Associates) (Workers)	Fort Kent, ME	03/20/14	03/19/14
85164	JP Morgan Chase Bank (Workers)	Florence, SC	03/20/14	03/20/14
85165	Esterline Memtron Input Components (State/One-Stop)	Frankenmuth, MI	03/21/14	03/20/14
85166	Hartford Fire Inc. Co (Workers)	Hartford, CT	03/21/14	03/20/14
85167	Dell Services (Dell Marketing LP) (Workers)	Plano, TX	03/21/14	03/20/14
85168	ICON Clinical Research (State/One-Stop)	Sugar Land, TX	03/21/14	03/20/14

[FR Doc. 2014–07748 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,133]

Alkco; A Subsidiary of Philips Lighting; Including Workers Whose Unemployment Insurance (UI) Wages Are Reported Through Genlyte Thomas Group, LLC; Including On-Site Leased Workers From BECO Group and Adecco; Franklin Park, Illinois; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 18, 2013, applicable to workers of Alkco, a subsidiary of Philips Lighting, including on-site leased workers from BECO Group and Adecco, Franklin Park, Illinois. The workers are engaged in activities related to the production of lighting fixtures. The notice was published in the **Federal Register** on December 10, 2013 (78 FR 74165).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. New information from the company shows that some workers separated from employment at the Franklin Park, Illinois location of Alkco, a subsidiary of Philips Lighting had their wages reported through a separate unemployment insurance (UI) tax account under the name Genlyte Thomas Group, LLC.

Accordingly, the Department is amending this certification to include workers of the subject firm whose unemployment insurance (UI) wages are reported through Genlyte Thomas Group, LLC.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by a shift in the production of lighting fixtures to a foreign country.

The amended notice applicable to TA–W–83,133 is hereby issued as follows:

All workers of Alkco, a subsidiary of Philips Lighting, including workers whose unemployment insurance (UI) wages are reported through Genlyte Thomas Group, LLC, including on-site leased workers from BECO Group and Adecco, Franklin Park, Illinois, who became totally or partially separated from employment on or after October 11, 2012, through November 18, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 25th day of March 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07751 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,325]

Broadwind Towers, Inc.; Formerly Known as Tower Tech Systems, Inc.; Including On-Site Leased Workers From Advantage Staffing and SOS Staffing; Abilene, Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 31, 2014, applicable to workers of Broadwind

Towers, Inc., including on-site leased workers from Advantage Staffing and SOS Staffing, Abilene, Texas. The workers are engaged in activities related to the production of utility scale wind towers. The notice was published in the **Federal Register** on February 24, 2014 (79 FR 10187).

At the request of Texas State, the Department reviewed the certification for workers of the subject firm. The subject firm originally named Tower Tech Systems, Inc. was renamed Broadwind Towers, Inc. on March 1, 2011. Texas State reports that some workers separated from employment at the Abilene, Texas location of Broadwind Towers, Inc. had their wages reported through a separate Unemployment Insurance (UI) tax account under the name Tower Tech Systems, Inc.

Accordingly, the Department is amending this certification to include workers of the subject firm whose unemployment insurance (UI) wages are reported through Tower Tech Systems, Inc.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected on the basis of an International Trade Commission (ITC) finding of injury.

The amended notice applicable to TA–W–83,325 is hereby issued as follows:

All workers from Broadwind Towers, Inc., formerly known as Tower Tech Systems, Inc., including on-site leased workers from Advantage Staffing and SOS Staffing, Abilene, Texas, who became totally or partially separated from employment on or after February 13, 2012 through February 13, 2014, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 19th day of March 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07752 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,199; TA–W–83,199A; TA–W–83,199B]

Northeast Utilities Service Company; Information Technology Division; Including On-Site Leased Workers From IBM, Infosys, the Ergonomic Group Inc., PCC Technology Group, BGI Technologies and Guidant; Berlin, Connecticut; Northeast Utilities Service Company; Information Technology Division; Including On-Site Leased Workers From IBM, Infosys, the Ergonomic Group Inc., PCC Technology Group, BGI Technologies and Guidant; Westwood, Massachusetts; Northeast Utilities Service Company; Information Technology Division; Including On-Site Leased Workers From IBM, Infosys, the Ergonomic Group Inc., PCC Technology Group, BGI Technologies and Guidant; Manchester, New Hampshire; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 9, 2013, applicable to workers of Northeast Utilities Service Company, Information Technology Division, including on-site leased workers from IBM, Infosys, The Ergonomic Group Inc., PCC Technology Group, CGI Technologies and Guidant, Berlin, Connecticut. The Department's notice of determination was published in the **Federal Register** on January 10, 2014 (79 FR 1893).

At the request of the state workforce office, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the supply of information technology services.

The company reports that workers at affiliated facilities in Westwood, Massachusetts and Manchester, New Hampshire were also separated due to an acquisition of information technology services from a foreign country. The worker group includes on-site leased workers from IBM, Infosys, The Ergonomic Group Inc., PCC Technology Group, CGI Technologies and Guidant.

Based on these findings, the Department is amending this certification to include workers located at Northeast Utilities Service Company, Information Technology Division, including on-site leased workers from IBM, Infosys, The Ergonomic Group Inc., PCC Technology Group, CGI Technologies and Guidant, Westwood, Massachusetts and Manchester, New Hampshire.

The amended notice applicable to TA–W–83,199 is hereby issued as follows:

''All workers of Northeast Utilities Service Company, Information Technology Division, including on-site leased workers from IBM, Infosys, The Ergonomic Group Inc., PCC Technology Group, CGI Technologies and Guidant, Berlin, Connecticut (TA–W–83,199), Northeast Utilities Service Company, Information Technology Division, including on-site leased workers from IBM, Infosys, The Ergonomic Group Inc., PCC Technology Group, CGI Technologies and Guidant, Westwood, Massachusetts (TA–W–83,199A) and Northeast Utilities Service Company, Information Technology Division, including on-site leased workers from IBM, Infosys, The Ergonomic Group Inc., PCC Technology Group, CGI Technologies and Guidant, Manchester, New Hampshire (TA–W–83,199B), who became totally or partially separated from employment on or after November 5, 2012, through December 9, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.''

Signed in Washington, DC this 25th day of March 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07747 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,036; TA–W–83,036A]

Manpower Group; Working On-Site at IBM Corporation; Camp Hill, Pennsylvania; Manpower Group; Working On-Site at IBM Corporation; Mechanicsburg, Pennsylvania; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 17, 2013, applicable to workers of Manpower Group, working on-site at IBM Corporation, Camp Hill, Pennsylvania.

The Department's notice of determination was published in the **Federal Register** on November 6, 2013 (78 FR 66782).

At the request of a dislocated worker, the Department reviewed the certification for workers of the subject firm. The workers were engaged in activities related to the supply of global analysis, forecasting, planning, parts ordering and quality control for IBM.

The amendment investigation confirmed that workers of Manpower Group, working on-site at IBM Corporation, Mechanicsburg, Pennsylvania were separated due to the same acquisition of services that led to worker separations at the Camp Hill, Pennsylvania facility. The investigation also confirmed that workers of Manpower Group at both locations were sufficiently under the operational control of IBM to be considered leased workers.

The amended notice applicable to TA–W–83,036 is hereby issued as follows:

All workers of Manpower Group, working on-site at IBM Corporation, Camp Hill, Pennsylvania (TA–W–83,036) and Manpower Group, working on-site at IBM Corporation, Mechanicsburg, Pennsylvania, who became totally or partially separated from employment on or after August 28, 2012 through October 17, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC this 25th day of March, 2014.

Michael W. Jaffe.

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07746 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of *March 10, 2014 through March 14, 2014.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) there has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) a significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
83,103	EC Pigments USA Inc., EC US Holdco, Inc., Monroe Staffing, Spherion Staffing.	Fall River, MA	September 20, 2012
83,224	Blake One, Inc.	New York, NY	November 18, 2012

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
83,348	Ocwen Loan Servicing, LLC, Ocwen Financial Corporation	Lewisville, TX	December 30, 2012

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
83,263	Quantum Spatial, Inc., Formerly Aerometric, Inc., Geospatial Holdings, Inc.	Seattle, WA.	

I hereby certify that the aforementioned determinations were issued during the period of *March 10, 2014 through March 14, 2014.* These determinations are available on the Department's Web site *tradeact/taa/taa_search_cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 20th day of March 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07742 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of March 17, 2014 through March 21, 2014.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly

competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) there has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
83,363	FRAM Filtration, A Combination of Champion Industries, LLC and Fram Group, Express, etc.	York, SC	December 31, 2012.

The following certifications have been issued. The requirements of Section 222(f) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
83,329	Elkay Manufacturing Company	Broadview, IL	April 10, 2012.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
83,335	UBS Group, Division of UBS AG, Corporte Center Division, Global Group Technology, etc.	Jersey City, NJ.	
83,335A	UBS Group, Division of UBS AG, Corporte Center Division, Global Group Technology, etc.	Weehawken, NJ.	
83,343	Kachemak Shellfish Growers Co-Op	Homer, AK.	
83,351	Sykes Enterprises, Incorporated	Wilton, ME.	

I hereby certify that the aforementioned determinations were issued during the period of March 17, 2014 through March 21, 2014. These determinations are available on the Department's Web site tradeact/taa/taa_search_cfm under the searchable listing of determinations or by calling the office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 27th day of March 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07750 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 18, 2014.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 18, 2014.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 20th day of March 2014.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[24 TAA petitions instituted between 3/10/14 and 3/14/14]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85126	Century Industries Inc (State/One-Stop)	Little Rock, AR	03/10/14	03/07/14
85127	Mid Atlantic MFG (Workers)	Rural Retreat, VA	03/10/14	02/06/14
85128	FrigoGlass North America (State/One-Stop)	Spartanburg, SC	03/10/14	03/10/14
85129	Windstream Corp (State/One-Stop)	Harrison, AR	03/10/14	03/07/14
85130	Siemens Medical Solutions USA, Inc., RO (Company)	Malvern, PA	03/10/14	02/24/14
85131	Mitsubishi Nuclear Energy Systems, Inc. (State/One-Stop)	Irving, TX	03/11/14	03/10/14
85132	Lakeland Industries Inc. (Company)	Sinking Spring, PA	03/11/14	03/10/14
85133	Weyerhaeuser Technology Center (Company)	Boise, ID	03/11/14	03/10/14
85134	Weyerhaeuser Company (Company)	Federal Way, WA	03/11/14	03/10/14
85135	Premier Lakewood (Company)	Lakewood, NY	03/11/14	02/20/14
85136	Star Tek USA, Inc. (State/One-Stop)	Jonesboro, AR	03/12/14	03/11/14
85137	LexisNexis (Company)	Miamisburg, OH	03/12/14	03/11/14
85138	ARRIS Group, Inc. (Workers)	State College, PA	03/12/14	03/11/14
85139	Syncreon (State/One-Stop)	Auburn Hills, MI	03/12/14	03/11/14
85140	Carolina Furniture Works, Inc. (Workers)	Sumter, SC	03/12/14	03/11/14
85141	Hyspan Precision Products Inc. (Workers)	Tulsa, OK	03/12/14	03/12/14
85142	JP Morgan Chase Bank, NA (Workers)	Florence, SC	03/13/14	03/12/14
85143	Giddings & Lewis (Company)	Fond Du Lac, WI	03/13/14	03/12/14
85144	Thomson Reuters IP Management Services (State/One-Stop)	Bingham Farms, MI	03/13/14	03/12/14
85145	AXA (Workers)	Syracuse, NY	03/13/14	03/05/14

APPENDIX—Continued

[24 TAA petitions instituted between 3/10/14 and 3/14/14]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85146	KEE Action Sports LLC (Company)	Clearwater, FL	03/14/14	03/13/14
85147	T. Bruce Sales, Inc. (Company)	West Middlesex, PA	03/14/14	03/13/14
85148	SPI Global (dba-Laserwords) (State/One-Stop)	Lewiston, ME	03/14/14	03/13/14
85149	Sappi Fine Paper (Company)	Allentown, PA	03/14/14	03/13/14

[FR Doc. 2014–07740 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,024]

Emerson Network Power; a Subsidiary of Emerson; Including Workers Whose Unemployment Insurance (UI) Wages Are Reported Through Liebert Corporate and Liebert North America, Inc.; Delaware, Ohio; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), (19 U.S.C. 2273), the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 20, 2014, applicable to workers of Emerson Network Power, a subsidiary of Emerson, Delaware, Ohio. The workers are engaged in activities related to the production of warehousing and distribution of uninterrupted power supplies and power distribution and switching equipment. The notice was published in the **Federal Register** on March 14, 2014 (79 FR 14540).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that Emerson is the parent firm of Liebert Corporation and Liebert North America, Inc. Some workers separated from employment at the Delaware, Ohio location of Emerson Network Power, a subsidiary of Emerson, had their wages reported through a separate unemployment insurance (UI) tax account under the names Liebert Corporation and Liebert North America.

Accordingly, the Department is amending this certification to include workers of the subject firm unemployment insurance (UI) wages are reported through Liebert Corporation and Liebert North America.

The amended notice applicable to TA–W–85,024 is hereby issued as follows:

All workers of Emerson Network Power, a subsidiary of Emerson, including workers whose unemployment insurance (UI) wages are reported through Liebert Corporation and Liebert North America, Inc., Delaware, Ohio, who became totally or partially separated from employment on or after January 20, 2013, through February 20, 2016, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 25th day of March 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07753 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of March 10, 2014 through March 14, 2014.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm

have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,030, Cameron Solutions Inc. Electra, Texas; January 22, 2013.

85,042, AGI-Shorewood Group US, LLC, Indianapolis, Indiana. January 29, 2013.

85,047, Patch Products, Inc. Smethport, Pennsylvania; April 1, 2013.

85,088, Valmark Interface Solutions, Livermore, California; February 20, 2013.

85,106, Measurement Specialties, Inc., St. Marys, Pennsylvania; February 20, 2013.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,003, Warner Brothers Home Entertainment, Inc., Burbank, California.

The investigation revealed that criteria (a)(2)(A) (I.C.) (increased imports) and (a)(2)(B) (II.B.) (shift in production to a foreign country) have not been met.

85,039, Freescale Semiconductor, Inc. Austin, Texas.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,009, Atos SE., New York, New York.

85,038, Tate and Kirlin Associates, Inc. Philadelphia, Philadelphia.

85,050, Carthage Area Hospital, Carthage, New York.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

85,028, M&D Metal Finishing, Blaine, Minnesota.

The following determinations terminating investigations were issued in cases where these petitions were not filed in accordance with the requirements of 29 CFR 90.11. Every petition filed by workers must be signed by at least three individuals of the petitioning worker group. Petitioners separated more than one year prior to the date of the petition cannot be covered under a certification of a petition under Section 223(b), and therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

85,061, IBM Corporation, San Jose, California.

The following determinations terminating investigations were issued because the petitions are the subject of ongoing investigations under petitions filed earlier covering the same petitioners.

85,105, Bank of America, San Francisco, California.

I hereby certify that the aforementioned determinations were issued during the period of March 10, 2014 through March 14, 2014. These determinations are available on the Department's Web site *tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 20th day of March 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07741 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of March 17, 2014 through March 21, 2014.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,054, Almeda Inc. Parkersburg, West Virginia. February 3, 2013.

85,060, Fresenius Manufacturing USA, Livingston, California. February 10, 2013.

85,065, Woodcraft Industries, Inc. Bellefonte, Pennsylvania. February 10, 2013.

85,074, Reynolds Metals Company, Massena, New York. February 17, 2013.

85,085, Federal-Mogul, Avilla, Indiana. February 19, 2013.

85,120, Rock Creek Athletics, Grinnell, Iowa. May 5, 2014.

85,132, Lakeland Industries Inc., Sinking Spring, Pennsylvania. March 10, 2013.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,029, Oldcastle Building Envelope, Everett, Washington.

85,051, VEC Technology, LLC. Greenville, Pennsylvania.

85,107, Honeywell Federal Manufacturing & Technologies LLC, Kansas City, Missouri.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,015, Leviton Manufacturing Company, Inc. West Jefferson, North Carolina.

85,018, IBM Corporation, Endicott, New York.

85,055, ACE Global, Phoenix, Arizona.

85,078, Sun-Times Media Production, LLC, Chicago, Illinois.

85,081, Larsen Manufacturing Southwest, El Paso, Texas.

85,083, TransTrade Operators, Inc. DFW Airport, Texas.

85.102, Northport USA LLC, Wilkes Barre, Pennsylvania.

85,116, Reebok International LTD., Canton, Massachusetts.

85.125, Source Medical, Rome, Georgia.

85,148, Laserwords U.S. Inc. Lewiston, ME.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

85,005, Lynch Technologies LLC, Bainbridge, Georgia.

85,091, Titone's Painting, Pasa Robles, California.

I hereby certify that the aforementioned determinations were issued during the period of March 17, 2014 through March 21, 2014. These determinations are available on the Department's Web site tradeact/taa/taa_search_form.cfm under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington DC, this 27th day of March 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–07749 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0116]

Proposed Extension of Information Collection; Examinations and Testing of Electrical Equipment, Including Examination, Testing, and Maintenance of High Voltage Longwalls

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Examinations and Testing of Electrical Equipment, Including Examination, Testing, and Maintenance of High Voltage Longwalls.

DATES: All comments must be received on or before June 9, 2014.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number [MSHA–2013–0050].
- *Regular Mail:* Send comments to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.
- *Hand Delivery:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR parts 75 and 77, mandatory safety standards for coal mines, make this collection of information necessary. Subsection 103(h) of the Mine Act, 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

Inadequate maintenance of electric equipment is a major cause of serious electrical accidents in the coal mining industry. It is imperative that mine operators adopt and follow an effective maintenance program to ensure that electric equipment is maintained in a safe operating condition to prevent electrocutions, mine fires and mine explosions. MSHA regulations require the mine operator to establish an electrical maintenance program by specifying minimum requirements for the examination, testing, and maintenance of electric equipment. The regulations also contain recordkeeping requirements that help operators in implementing an effective maintenance program.

(a) Examinations of Electric Equipment

(1) Section 75.512 requires that all electric equipment be frequently examined, tested, and maintained by a qualified person to assure safe operating conditions and that a record of such examinations be kept. Section 75.512–2 specifies that required examinations and tests be made at least weekly.

(2) Section 75.703–3(d)(11) requires that all grounding diodes be tested, examined, and maintained as electric equipment and records of these activities be kept in accordance with the provisions of section 75.512.

(3) Section 77.502 requires that electric equipment be frequently examined, tested, and maintained by a qualified person to ensure safe operating conditions and that a record of such examinations be kept. Section 77.502–2 requires these examinations and tests at least monthly.

(b) Examinations of High-Voltage Circuit Breakers

(1) Section 75.800 requires that circuit breakers protecting high-voltage circuits, which enter the underground area of a coal mine, be properly tested and maintained as prescribed by the Secretary. Section 75.800–3 requires that such circuit breakers be tested and examined at least once each month. Section 75.800–4 requires that a record of the examinations and tests be made.

(2) Section 75.820 requires persons to lock-out and tag disconnecting devices

when working on circuits and equipment associated with high-voltage longwalls.

(3) Section 75.821(a) requires testing and examination of each unit of high-voltage longwall equipment and circuits to determine that electrical protection, equipment grounding, permissibility, cable insulation, and control devices are being properly maintained to prevent fire, electrical shock, ignition, or operational hazards. These tests and examinations, including the activation of the ground-fault test circuit, are required once every seven days. Section 75.821(b) requires that each ground-wire monitor and associated circuits be examined and tested at least once every 30 days. Section 75.821(d) requires that, at the completion of examinations and tests, the person making the examinations and tests must certify that they have been conducted. In addition, a record must be made of any unsafe condition found and any corrective action taken; these certifications and records must be kept at least one year.

(4) Section 77.800 requires that circuit breakers protecting high-voltage portable or mobile equipment be properly tested and maintained. Section 77.800–1 requires that such circuit breakers be tested and examined at least once each month. Section 77.800–2 requires a record of each test, examination, repair, or adjustment of all circuit breakers protecting high-voltage circuits.

(c) Examinations of Low- and Medium-Voltage Circuits

(1) Section 75.900 requires that circuit breakers protecting low- and medium-voltage power circuits serving three-phase alternating-current equipment be properly tested and maintained. Section 75.900–3 requires that such circuit breakers be tested and examined at least once each month. Section 75.900–4 requires that a record of the required examinations and tests be made.

(2) Section 77.900 requires that circuit breakers protecting low- and medium-voltage circuits which supply power to portable or mobile three-phase alternating-current equipment be properly tested and maintained. Section 77.900–1 requires that such circuit breakers be tested and examined at least once each month. Section 77.900–2 requires that a record of the examinations and tests be made.

(d) Tests and Calibrations of Automatic Circuit interrupting Devices

Section 75.1001–1(b) requires that automatic circuit interrupting devices that protect trolley wires and trolley feeder wires be tested and calibrated at intervals not to exceed six months. Section 75.1001–1(c) requires that a record of the tests and calibrations be kept.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Examinations and Testing of Electrical Equipment, Including Examination, Testing, and Maintenance of High Voltage Longwalls. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

This information collection request is available on *http://www.msha.gov/regs/fedreg/informationcollection/informationcollection.asp*. The information collection request will be available on MSHA's Web site and on *http://www.regulations.gov*. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov*.

The public may also examine publicly available documents at MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Examinations and Testing of Electrical Equipment, Including Examination, Testing, and Maintenance of High Voltage Longwalls. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0116.

Affected Public: Business or other for-profit.

Number of Respondents: 1,195.

Frequency: On occasion.

Number of Responses: 550,280.

Annual Burden Hours: 97,336 hours.

Annual Respondent or Recordkeeper Cost: $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 31, 2014.

Patricia W. Silvey,

Certifying Officer.

[FR Doc. 2014–07758 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0142]

Proposed Extension of Information Collection; Sealing of Abandoned Areas

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Sealing of Abandoned Areas.

DATES: All comments must be received on or before June 9, 2014.

ADDRESSES: Comments concerning the information collection requirements of

this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number [MSHA–2014–0002].
- *Regular Mail:* Send comments to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.
- *Hand Delivery:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, Section 101(a) of the Mine Act, 30 U.S.C. 811 authorizes the Secretary to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

MSHA's standards for sealing abandoned areas in underground coal mines include requirements addressing the design and construction of new seals and the examination, maintenance and repair of all seals.

Section 75.335(b) sets forth procedures for the approval of seal design applications.

Section 75.335(c) requires the submission and certification of information for seal installation.

Section 75.336(a)(2) requires the mine operator to evaluate the atmosphere in the sealed area to determine whether sampling through the sampling pipes in seals provides appropriate sampling locations of the sealed area. The mine operator will make an evaluation for each area that has seals.

Section 75.336(c) requires that mine operators immediately notify MSHA after a sample indicates that the oxygen concentration is 10 percent or greater and methane is between 4.5 percent and 17 percent and after taking the required additional sample from the sealed atmosphere with seals of less than 120 psi.

Section 75.336(e) requires a certified person to record each sampling result, including the location of the sampling points and the oxygen and methane concentrations. Also, any hazardous conditions found must be corrected and recorded in accordance with existing Section 75.363.

Section 75.337(c)(1)–(c)(5) requires a certified person to perform several tasks during seal construction and repair and certify that the tasks were done in accordance with the approved ventilation plan. In addition, a mine foreman or equivalent mine official must countersign the record.

Section 75.337(d) requires a senior mine management official to certify that the construction, installation, and materials used were in accordance with the approved ventilation plan.

Section 75.337(e) requires the mine operator to notify MSHA of certain activities concerning the construction of a set of seals. Section 75.337(e)(1) requires the mine operator to notify the District Manager between 2 and 14 days prior to commencement of seal construction. Section 75.337(e)(2) requires the mine operator to notify the District Manager, in writing, within 5 days of completion of a set of seals and provide a copy of the certifications required in Section 75.337(d). Section 75.337(e)(3) requires the mine operator to submit a copy of the quality control test results for seal material properties specified by Section 75.335 within 30 days of completion of such tests.

Section 75.337(g)(3) requires the mine operator to label sampling pipes to indicate the location of the sampling point when the mine operator installs more than one sampling pipe through a seal.

Section 75.338(a) requires mine operators to certify that persons conducting sampling were trained in the use of appropriate sampling equipment, techniques, the location of sampling points, the frequency of sampling, the size and condition of sealed areas, and the use of continuous monitoring systems, if applicable, before they conduct sampling, and annually thereafter.

Section 75.338(b) requires mine operators to certify that miners constructing or repairing seals, designated certified persons, and senior mine management officials were trained prior to constructing or repairing a seal and annually thereafter.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Sealing of Abandoned Areas. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

This information collection request is available on *http://www.msha.gov/regs/fedreg/informationcollection/informationcollection.asp*. The information collection request will be available on MSHA's Web site and on *http://www.regulations.gov*. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov*.

The public may also examine publicly available documents at MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Sealing of Abandoned Areas. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0142.

Affected Public: Business or other for-profit.

Number of Respondents: 301.

Frequency: On occasion.

Number of Responses: 53,857.

Annual Burden Hours: 6,269 hours.

Annual Respondent or Recordkeeper Cost: $1,510,661.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 31, 2014.

Patricia W. Silvey,

Certifying Officer.

[FR Doc. 2014–07763 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0015]

Proposed Extension of Information Collection; Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements.

DATES: All comments must be received on or before June 9, 2014.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number [MSHA–2013–0049].
- *Regular Mail:* Send comments to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.
- *Hand Delivery:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 811(a), authorizes the Secretary to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. Section 103(h) of the Mine Act, 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

Title 30 CFR part 77, Subpart C, sets forth standards for surface installations. More specifically, the sections cited in the title of this supporting statement address refuse piles (30 CFR 77.215), and impoundments (30 CFR 77.216). Impoundments are structures that can impound water, sediment, or slurry or any combination of materials, and refuse piles are deposits of coal mine waste (other than overburden or spoil) that are removed during mining operations or separated from mined coal and deposited on the surface. The failure of these structures can have a devastating effect on a community. To avoid or minimize such disasters, MSHA has promulgated standards for the design, construction, and maintenance of these structures; for annual certifications; for certification for hazardous refuse piles; for the frequency of inspections; and the methods of abandonment for impoundments and impounding structures.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

This information collection request is available on *http://www.msha.gov/regs/fedreg/informationcollection/informationcollection.asp.* The information collection request will be available on MSHA's Web site and on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements. MSHA has updated the data in respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0015.

Affected Public: Business or other for-profit.

Number of Respondents: 629.

Frequency: On occasion.

Number of Responses: 31,365.

Annual Burden Hours: 76,573 hours.

Annual Respondent or Recordkeeper Cost: $2,656,928.

Comments submitted in response to this notice will be summarized and

included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 31, 2014.

Patricia W. Silvey,

Certifying Officer.

[FR Doc. 2014–07756 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0127]

Proposed Extension of Information Collection; Certification and Qualification To Examine, Test, and Operate Hoists and Perform Other Duties

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Qualification/Certification Program and Man Hoist Operators Physical Fitness.

DATES: All comments must be received on or before June 9, 2014.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number [MSHA–2013–0051].
- *Regular Mail:* Send comments to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.
- *Hand Delivery:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, Section 101(a) of the Mine Act, 30 U.S.C. 811(a) authorizes the Secretary to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Under section 103(a), authorized representatives of the Secretary of Labor or Secretary of Health and Human Services must make frequent inspections and investigations in coal or other mines each year for the purpose of, among other things, gathering information with respect to mandatory health or safety standards.

Under 30 CFR 75.159 and 77.106 coal mine operators are required to maintain a list of persons who are certified and/or qualified to perform duties under Parts 75 and 77, such as conduct examinations for hazardous conditions, conduct tests for methane and oxygen deficiency, conduct tests of air flow, perform electrical work, repair energized surface high-voltage lines, and perform duties of hoisting engineer. The recorded information is necessary to ensure that only persons who are properly trained and have the required number of years of experience are permitted to perform these duties. MSHA does not specify a format for the recordkeeping; however, it normally consists of the names of the certified and qualified persons listed in two columns on a sheet of paper. One column is for certified persons and the other is for qualified persons.

Sections 75.100 and 77.100 pertain to the certification of certain persons to perform specific examinations and tests. Sections 75.155 and 77.105 outline the requirements necessary to be qualified as a hoisting engineer or hoistman. Also, under Sections 75.160, 75.161, 77.107 and 77.107–1, the mine operator must have an approved training plan developed to train and retrain the qualified and certified persons to effectively perform their tasks.

These standards recognize State certification and qualification programs. However, where State programs are not available, MSHA may certify and qualify persons.

Under this program MSHA will continue to qualify or certify individuals as long as these individuals meet the requirements for certification or qualification, fulfill any applicable retraining requirements, and remain employed at the same mine or by the same independent contractor.

Applications for Secretarial qualification or certification are submitted to the MSHA Qualification and Certification Unit in Denver, Colorado. MSHA Form 5000–41, Safety & Health Activity Certification or Hoisting Engineer Qualification Request provides the coal mining industry with a standardized reporting format that expedites the certification and qualification process while ensuring compliance with the regulations. MSHA uses the form's information to determine if applicants satisfy the requirements to obtain the certification or qualification sought. Persons must meet certain minimum experience requirements depending on the type of certification or qualification.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Qualification/Certification Program and Man Hoist Operators Physical Fitness. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

This information collection request is available on *http://www.msha.gov/regs/fedreg/informationcollection/informationcollection.asp.* The information collection request will be available on MSHA's Web site and on

http://www.regulations.gov. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov*.

The public may also examine publicly available documents at MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Certification and Qualification to Examine, Test, and Operate Hoists and Perform Other Duties Under parts 75 and 77. MSHA has updated the data in respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0127.

Affected Public: Business or other for-profit.

Number of Respondents: 1,232.

Frequency: On occasion.

Number of Responses: 5,659.

Annual Burden Hours: 548 hours.

Annual Respondent or Recordkeeper Cost: $71.

MSHA Forms: MSHA Form 5000–41, Safety & Health Activity Certification or Hoisting Engineer Qualification Request.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 31, 2014.

Patricia W. Silvey,

Certifying Officer.

[FR Doc. 2014–07762 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before May 8, 2014.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov*. Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, Attention: Sheila McConnell, Acting Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2014–005–C.

Petitioner: Brody Mining, LLC, Three Gateway Center, 401 Liberty Avenue, Suite 1500, Pittsburgh, Pennsylvania 15222–1000.

Mine: Brody Mine, No. 1, MSHA I.D. No. 46–09086, located in Boone Greene County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment in or inby the last open crosscut, including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature and size, and the complexity of mine plans, requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Nonpermissible electronic surveying equipment may be used. Such nonpermissible surveying equipment includes portable battery-operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All nonpermissible electronic surveying equipment to be used in or inby the last open crosscut will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These

examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspecting for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA on request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible surveying equipment in or inby the last open crosscut.

(e) Nonpermissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the nonpermissible surveying equipment is being used, the equipment will be deenergized immediately and the nonpermissible electronic equipment withdrawn outby the last open crosscut.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries in the surveying equipment will be changed out or charged in fresh air outby the last open crosscut.

(h) Qualified personnel who use surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of nonpermissible surveying equipment in areas where methane could be present.

(i) The nonpermissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M–2014–006–C.

Petitioner: Brody Mining, LLC, Three Gateway Center, 401 Liberty Avenue, Suite 1500, Pittsburgh, Pennsylvania 15222–1000.

Mine: Brody Mine No. 1, MSHA I.D. No. 46–09086, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment in return airways, including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining, by its nature and size and the complexity of mine plans, requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Nonpermissible electronic surveying equipment may be used. Such nonpermissible surveying equipment includes portable battery-operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All nonpermissible electronic surveying equipment to be used in return airways will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspecting for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA on request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible surveying equipment in return airways.

(e) Nonpermissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the nonpermissible surveying equipment is being used, the equipment will be deenergized immediately and the nonpermissible electronic equipment withdrawn out of the return airways.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries in the surveying equipment will be changed out or charged in fresh air out of the return.

(h) Qualified personnel who use surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of nonpermissible surveying equipment in areas where methane could be present.

(i) The nonpermissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M–2014–007–C.

Petitioner: Brody Mining, LLC, Three Gateway Center, 401 Liberty Avenue, Suite 1500, Pittsburgh, Pennsylvania 15222–1000.

Mine: Brody Mine No. 1, MSHA I.D. No. 46–09086, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of battery-powered nonpermissible surveying equipment within 150 feet of pillar workings, including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. To ensure the safety of the miners in active mines and to protect

miners in future mines that may mine in close proximity to these same active mines, it is necessary to determine the exact location and extent of the mine workings.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature and size, and the complexity of mine plans, requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Nonpermissible electronic surveying equipment may be used. Such nonpermissible surveying equipment includes portable battery-operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All nonpermissible electronic surveying equipment to be used within 150 feet of pillar workings faces will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspecting for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and powering up and shutting down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA on request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible surveying equipment within 150 feet of pillar workings.

(e) Nonpermissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the nonpermissible surveying equipment is being used, the equipment will be deenergized immediately and the nonpermissible electronic equipment withdrawn further than 150 feet from pillar workings.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries in the surveying equipment will be changed out or charged in fresh air more than 150 feet from pillar workings.

(h) Qualified personnel who use surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of nonpermissible surveying equipment in areas where methane could be present.

(i) The nonpermissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M–2014–008–C.

Petitioner: Aracoma Coal Company, Inc., Three Gateway Center, 401 Liberty Avenue, Suite 1500, Pittsburgh, Pennsylvania 15222–1000.

Mine: Alma No. 1 Mine, MSHA I.D. No. 46–08801, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance with the standard with respect to mining through gas wells. This petition is limited to gas well No. DR W958. The following methods will be used when mining through vertically drilled degasification boreholes with horizontal laterals:

(a) The terms and conditions of this petition apply to mining with a continuous miner:

(i) A safety barrier of 300 feet in diameter (150 feet between any mined area and a well) will be maintained around the well until approval to proceed with mining has been obtained from the District Manager (DM).

(ii) Prior to mining within the safety barrier around any well that is intended to be mined through, the mine operator will provide to the DM a certification from a company official stating that all mandatory procedures for cleaning out, preparing, and plugging each gas or oil well have been completed as described by the terms and conditions of this petition.

(b) The petitioner will use the following procedures after approval has been granted by the DM to mine within the safety barrier, or to mine through a plugged or replugged well.

(1) Prior to cutting-through a plugged well, notify the DM or designee, representative of the miners, and the appropriate State agency in sufficient time for them to have a representative present.

(2) The operator will mine through a well on a shift approved by the DM. The operator will notify the DM and the miners' representative in sufficient time prior to mining-through a well in order to provide an opportunity to have representatives present.

(3) Install drivage sights at the last open crosscut near the place to be mined to ensure intersection of the well when mining through wells using continuous mining methods. The drivage sites will not be more than 100 feet from the well.

(4) Firefighting equipment, roof support supplies, and ventilation materials will be available and located at the last open crosscut on the intake side of the entry to cut into the well; three 20 pound CO_2 fire extinguishers, 20 bags of rock dust, sufficient fire hose to reach the working face, one hand-held methane monitor capable of reading high percentages of methane, a multi-gas detector carried by both the foreman and the continuous miner operator, sufficient curtain to reach the working face, eight timbers with headers and wedges, and two emergency plugs. Additionally, the water line will be maintained to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the section.

(5) Check equipment for permissibility and service no earlier than the shift prior to mining through the well. Water sprays, water pressures, and water flow rates used for dust and spark suppression will be examined and any deficiencies will be corrected

(6) Calibrate the methane monitors on the longwall, continuous mining machine, or cutting machine and loading machine on the shift prior to mining through the well.

(7) When mining is in progress, test methane levels with a hand-held methane detector at least every 10 minutes from the time that mining with the continuous mining machine is within 30 feet of the well until the well is intersected and immediately prior to mining through it. No individual is allowed on the return side during the actual cutting process until the mine-through has been completed and the area examined and declared safe. All workplace examinations will be conducted on the return side of the shearer while the shearer is idle.

(8) Keep the working place free from accumulations of coal dust and coal spillages, and place rock dust on the roof, rib, and floor to within 20 feet of

the face when mining through the well when using continuous mining methods. Conduct rock dusting on longwall sections on the roof, rib, and floor up to both the headgate and tailgate gob.

(9) Deenergize all equipment when the wellbore is intersected and thoroughly examine the place and determined it safe before resuming mining.

(10) After a well has been intersected and the working place determined safe, continue mining inby the well at a distance sufficient to permit adequate ventilation around the area of the well.

(11) If the casing is cut or milled at the coal seam level, the use of torches should not be necessary. In rare instances, torches may be used for inadequately or inaccurately cut or milled casings. No open flame is permitted in the area until adequate ventilation has been established around the wellbore and methane levels are less than 1.0 percent in all areas that will be exposed to flames and sparks from the torch. Apply a thick layer of rock dust to the roof, face, floor, ribs, and any exposed coal within 20 feet of the casing prior to any use of torches.

(12) Locate non-sparking (brass) tools on the working section in the event they are needed to expose and examine cased wells.

(13) No person will be permitted in the area of the cut-through operation except those actually engaged in the mining operation, company personnel, representative of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(14) Alert all personnel in the mine to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. Repeat this warning for all shifts until the well has been mined through.

(15) The mine-through operation will be under the direct supervision of a certified official. Instructions concerning the mine-through operation will be issued only by the certified official in charge.

(16) The responsible person required in 30 CFR 75.1501 will be responsible for well intersection emergencies. The responsible person should review the well intersection procedures prior to any planned intersection.

(17) Within 30 days after this petition becomes final, the petitioner will submit proposed revisions for its approved part 48 training plan to the DM.

(18) Within 30 days after this petition becomes final, the petitioner will submit proposed revisions for its approved mine emergency evacuation and firefighting plan required in 30 CFR 75.1501. The petitioner will revise the plans to include the hazards and evacuation procedures to be used for well intersections. All underground miners will be trained in this revised plan within 30 days of the DM's approval of the revised evacuation plan.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure or protection afforded by the existing standard.

Dated: April 2, 2014.

Patricia W. Silvey,

Certifying Officer.

[FR Doc. 2014–07764 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2014–0007]

Advisory Committee on Construction Safety and Health (ACCSH)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Announcement of ACCSH and ACCSH Workgroup meetings.

SUMMARY: ACCSH will meet May 8, 2014, in Washington, DC. In conjunction with the ACCSH meeting, ACCSH Workgroups will meet May 7, 2014.

DATES: *ACCSH meeting:* ACCSH will meet from 9 a.m. to 4 p.m., e.t., Thursday, May 8, 2014.

ACCSH Workgroup meetings: ACCSH Workgroups will meet Wednesday, May 7, 2014. (For Workgroup meeting times, see the schedule under ''Workgroup Meetings'' in the **SUPPLEMENTARY INFORMATION** section of this notice.)

Submit (postmark, send, transmit) comments, requests to address the ACCSH meeting, speaker presentations (written or electronic), and requests for special accommodations for the ACCSH meeting and ACCSH Workgroup meetings, by April 18, 2014.

ADDRESSES: *Submission of comments, requests to speak, and speaker presentations for the ACCSH meeting:* Submit comments, requests to speak, and speaker presentations for the ACCSH meeting, using one of the following methods:

Electronically: Submit materials, including attachments, electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the on-line instructions for submissions.

Facsimile (Fax): If the submission, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693–1648.

Regular mail, express mail, hand delivery, or messenger (courier) service: Submit materials to the OSHA Docket Office, Docket No. OSHA–2014–0007, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2350 (TTY (877) 889–5627). OSHA's Docket Office accepts deliveries (hand deliveries, express mail, and messenger service) during normal business hours, 8:15 a.m.–4:45 p.m., e.t., weekdays.

Instructions: Submissions must include the agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2014–0007). Due to security-related procedures, submissions by regular mail may experience significant delays. Please contact the OSHA Docket Office for information about security procedures for making submissions. For additional information on submitting comments, requests to speak, and speaker presentations, see the **SUPPLEMENTARY INFORMATION** section of this notice.

OSHA will post comments, requests to speak, and speaker presentations, including any personal information provided, without change, at *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates.

Location of the ACCSH meeting: ACCSH and ACCSH Workgroups will meet in Room N–3437 A–C, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Requests for special accommodations: Please submit requests for special accommodations to attend the ACCSH meeting and ACCSH Workgroup meetings to Ms. Gretta Jameson, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999; email: *jameson.grettah@dol.gov.*

FOR FURTHER INFORMATION CONTACT: *For press inquiries:* Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

For general information about ACCSH and ACCSH meetings: Mr. Damon Bonneau, OSHA, Directorate of Construction, Room N–3468, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210;

telephone: (202) 693–2020; email: *bonneau.damon@dol.gov.*

Copies of this ***Federal Register*** *notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, also are available on the OSHA Web page at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

ACCSH Meeting

Background: ACCSH will meet May 8, 2014, in Washington, DC. The meeting is open to the public. OSHA transcribes ACCSH meetings and prepares detailed minutes of meetings. OSHA places the transcript and minutes in the public docket for the meeting. The docket also includes speaker presentations, comments, and other materials submitted to ACCSH.

ACCSH advises the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in the formulation of standards affecting the construction industry, and on policy matters arising in the administration of the safety and health provisions under the Contract Work Hours and Safety Standards Act (Construction Safety Act (CSA)) (40 U.S.C. 3701 *et seq.*) and the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) (see also 29 CFR 1911.10 and 1912.3). In addition, the OSH Act and CSA require that OSHA consult with ACCSH before the Agency proposes any occupational safety and health standard affecting construction activities (29 CFR 1911.10; 40 U.S.C. 3704).

Meeting agenda: The tentative agenda for this meeting includes:

- Assistant Secretary's Agency update and remarks;
- Directorate of Construction update on rulemaking projects;
- Proposed rule to update OSHA's standard on Eye and Face Protection in construction. The proposed rule would update the American National Standards Institute consensus standards referenced;
- OSHA's Proposed Rule for Beryllium: Alternatives for Construction;
- Proposed amendments and corrections to OSHA's Cranes and Derricks standards;
- The following items from the proposed Standards Improvement Project IV rulemaking:

1. Update the Marine Material-Handling standard to refer to the current Longshoring standards;
2. Update the Underground Construction standard on Diesel-Powered Equipment to refer to the current MSHA standard;
3. Clarify Signs, Signals, and Barricades, to require use of traffic control devices and signs, and clarify that the design and use of traffic control devices must conform to the Manual of Uniform Traffic Control Devices (MUCTD), and eliminate duplicative and unnecessary language;

- Presentation on Power Transmission and Distribution; and,
- Public Comment Period.

Workgroup Meetings

The following ACCSH Workgroups will meet May 7, 2014:

- Health Hazards, Emerging Issues, and Prevention through Design: 10 a.m. to 12 p.m.
- Temporary Workers: 1 to 3 p.m.
- Training and Outreach: 3:15 to 5:15 p.m.

ACCSH Workgroup meetings are open to the public. For additional information on ACCSH Workgroup meetings or participating in them, please contact Mr. Bonneau or look on the ACCSH page on OSHA's Web page at: *http://www.osha.gov.*

Attending the meeting: Individuals attending the meetings at the U.S. Department of Labor must enter the building at the visitors' entrance, 3rd and C Streets NW., and pass through building security. Attendees must have valid government-issued photo identification (such as a driver's license) to enter the building. For additional information about building-security measures for attending ACCSH meetings, please contact Ms. Jameson (see ''*Requests for special accommodations''* in the **ADDRESSES** section of this notice).

Requests to speak and speaker presentations: Attendees who want to address ACCSH at the meeting must submit a request to speak, as well as any written or electronic presentation, by April 18, 2014, using one of the methods listed in the **ADDRESSES** section. The request must state:

- The amount of time requested to speak;
- The interest you represent (e.g., business, organization, affiliation), if any; and
- A brief outline of your presentation.

PowerPoint presentations and other electronic materials must be compatible with PowerPoint 2010 and other Microsoft Office 2010 formats.

Alternately, at the ACCSH meeting, you may request to address ACCSH briefly by signing the public-comment request sheet and listing the topic(s) you will address. You also must provide 20 hard copies of any materials, written or electronic, you want to present to ACCSH.

The ACCSH Chair may grant requests to address ACCSH as time and circumstances permit.

Public docket of the ACCSH meeting: OSHA will place comments, requests to speak, and speaker presentations, including any personal information you provide, in the public docket of this ACCSH meeting without change, and those documents may be available online at: *http://www.regulations.gov.* OSHA also places in the public docket the meeting transcript, meeting minutes, documents presented at the ACCSH meeting, and other documents pertaining to the ACCSH and ACCSH Workgroup meetings. These documents are available online at: *http://www.regulations.gov.*

Access to the public record of ACCSH and ACCSH Workgroup meetings: To read or download documents in the public docket of this ACCSH meeting, go to Docket No. OSHA–2014–0007 at: *http://www.regulations.gov.* The *http://www.regulations.gov* index also lists all documents in the public record for these meetings; however, some documents (e.g., copyrighted materials) are not publicly available through that Web page. All documents in the public record, including materials not available through *http://www.regulations.gov,* are available for inspection and copying in the OSHA Docket Office (see **ADDRESSES** section). Contact the OSHA Docket Office for assistance in making submissions to, or obtaining materials from, the public docket.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 29 U.S.C. 656; 40 U.S.C. 3704; 5 U.S.C. App. 2; 29 CFR parts 1911 and 1912; 41 CFR part 102; and Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012).

Signed at Washington, DC on April 1, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–07586 Filed 4–7–14; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–247–LR, 50–286–LR]

Notice of Appointment of Adjudicatory Employees; In the Matter of Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)

Commissioners

Allison M. Macfarlane, Chairman

Kristine L. Svinicki

George Apostolakis [1]

William D. Magwood, IV

William C. Ostendorff

Pursuant to 10 CFR 2.4, notice is hereby given that Vinod Mubayi, Ph.D., Physicist, Nuclear Science and Technology Department, Brookhaven National Laboratory, and Gurcharan Singh Matharu, Senior Electrical Engineer, NRR, Division of Engineering, Electrical Engineering Branch, have been appointed as Commission adjudicatory employees within the meaning of section 2.4, to advise the Commission regarding issues relating to review of the Licensing Board's Partial Initial decision, LBP–13–13, in this adjudication. Dr. Mubayi and Mr. Matharu have not previously performed any investigative or litigating function in connection with this or any related proceeding.

Until such time as a final decision is issued in this matter, interested persons outside the agency and agency employees performing investigative or litigating functions in this proceeding are required to observe the restrictions of 10 CFR 2.347 and 2.348 in their communications with Dr. Mubayi and Mr. Matharu.

It Is So Ordered.

For the Commission.

Dated at Rockville, Maryland, this 1st day of April 2014.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014–07825 Filed 4–7–14; 8:45 am]

BILLING CODE 7590–01–P

[1] Commissioner Apostolakis is not participating in this adjudication.

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0054]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of six amendment requests. The amendment requests are for Columbia Generating Station; Comanche Peak Nuclear Power Plant, Units 1 and 2; Fort Calhoun Station, Unit 1; South Texas Project, Units 1 and 2; Browns Ferry Nuclear Plant, Units 1, 2, and 3; and Wolf Creek Generating Station. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration. In addition, each amendment request contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Comments must be filed by May 8, 2014. A request for a hearing must be filed by June 9, 2014. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by April 18, 2014.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0054. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*.
- Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0054 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0054.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0054 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in you comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly

disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for 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 (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 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 (1) request 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 ID certificate). Based upon 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 agency'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 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 hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with 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 documents 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 contacting the NRC Meta System Help Desk through 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 at 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 exemption 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 that the reason for granting 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. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. 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 submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to this amendment action, see the application

for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of amendment request: October 31, 2013. A publicly-available version is in ADAMS under Accession No. ML13316A009.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise Technical Specification (TS) Surveillance Requirements (SRs) 3.5.1.4 and 3.5.2.5 for the Low-Pressure Core Spray (LPCS) and Low-Pressure Coolant Injection (LPCI) pump flows.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change would lower the required LPCI and LPCS flow rates in SR 3.5.1.4 and 3.5.2.5. The requested changes do not serve as initiators of any Columbia accident previously evaluated. The existing ECCS–LOCA [emergency core cooling system—loss-of-coolant accident] fuel analysis of record utilizes reduced analytical flow rates that bound the proposed TS LPCI and LPCS flow rates. The analysis demonstrates compliance with the ECCS acceptance criteria in 10 CFR 50.46. The new minimum ECCS flow containment analysis also utilizes reduced analytical flow rates that bound the proposed TS LPCI and LPCS flow rates. This analysis demonstrates that the results of the analysis do not exceed the design values specified in the FSAR [final safety analysis report], which is consistent with the acceptance criteria specified in SRP [Standard Review Plan, NUREG–0800] 6.2.1.1.C. The accident probabilities are unaffected and the consequences remain unchanged.

Therefore, there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously analyzed?

Response: No.

There are no postulated hazards, new or different, contained in this amendment. Analysis has determined that these changes have been bounded by previous evaluations.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes lower the TS SR flows for LPCI and LPCS by 3 [percent] and 2 [percent], respectively. The analytical values for the LPCI and LPCS flows were reduced by 5 [percent] and 10 [percent], respectively, to ensure no margin of safety was impacted. To ensure a bounding calculation, the minimum ECCS flow containment analysis was performed with conservative assumptions and using NRC approved methodologies previously accepted for use at Columbia by the NRC. The proposed TS limiting flow rates provide adequate margin to the analytical limits accounting for worst-case instrument uncertainty and potential variation in supply voltage and frequency.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William A. Horin, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Branch Chief: Michael T. Markley.

Luminant Generation Company, LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant, Units 1 and 2, Somervell County, Texas

Date of amendment request: November 21, 2013, as supplemented by letter dated February 4, 2014. Publicly-available versions of the letters dated November 21, 2013, and February 4, 2014, are available in ADAMS under Accession Nos. ML13338A436 and ML14051A531.

Brief description of amendment: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise the physical protection license condition in the existing facility operating licenses and the Cyber Security Plan (CSP) Milestone 8 full implementation date as set forth in the Comanche Peak Nuclear Power Plant (CPNPP), Units 1 and 2, CSP Implementation Schedule approved by the NRC staff by letter dated July 26, 2011 (ADAMS Accession No. ML111780745).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The amendment proposes a change to the CPNPP [Units 1 and 2], Cyber Security Plan (CSP) Milestone 8 full implementation date as set forth in the CPNPP Cyber Security Plan Implementation Schedule. The revision of the full implementation date for the CPNPP Cyber Security Plan does not involve modifications to any safety-related structures, systems or components (SSCs). Rather, the implementation schedule provides a timetable for fully implementing the CPNPP CSP. The CSP describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The revision of the CPNPP Cyber Security Plan Implementation Schedule will not alter previously evaluated design basis accident analysis assumptions, add any accident initiators, modify the function of the plant safety-related SSCs, or affect how any plant safety-related SSCs are operated, maintained, modified, tested, or inspected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The implementation of the CPNPP Cyber Security Plan does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (i.e., fuel cladding, reactor coolant pressure boundary, and containment

structure) to limit the level of radiation to the public. The proposed amendment does not alter the way any safety-related SSC functions and does not alter the way the plant is operated. The Cyber Security Plan provides assurance that safety-related SSCs are protected from cyber attacks. The proposed amendment does not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment has no effect on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Timothy P. Matthews, Esq., Morgan, Lewis and Bockius, 1111 Pennsylvania Avenue NW., Washington, DC 20004.

NRC Branch Chief: Michael T. Markley.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station (FCS), Unit 1, Washington County, Nebraska

Date of amendment request: August 5, 2013, as supplemented by letter dated January 24, 2014. Publicly-available versions of the letters dated August 5, 2013, and January 24, 2014, are in ADAMS under Accession Nos. ML13220A074 and ML14030A591.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise the structural design basis for the reactor coolant system piping described in Section 4.3.6 of the Fort Calhoun Station Updated Safety Analysis Report. The amendment request is related to the leak-before-break (LBB) application for the reactor coolant system piping. To satisfy one of the commitments as part of its license renewal application, the licensee submitted a plant-specific LBB analysis before the period of extended operation, which began at midnight, August 9, 2013.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The overall performance of protection systems remains within the bounds of the accident analyses. The design of the reactor protective system (RPS) and engineered safety feature actuation system (ESFAS) are unaffected and these systems will continue to function consistent with their design basis. Design, material, and construction standards are maintained.

At FCS, the bounding accident for pipe breaks is a large break loss-of-coolant accident (LBLOCA). The consequences of a LBLOCA have been previously evaluated and found acceptable. Since the attached leak-before-break (LBB) methodology verifies the integrity of reactor coolant system (RCS) piping, the probability of a previously evaluated accident is not increased. The application of the LBB methodology does not change the dose analysis associated with a LBLOCA, and therefore, does not affect the consequences of an accident. The proposed amendment will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the Updated Safety Analysis Report (USAR).

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new accident scenarios, failure mechanisms, or single failures are introduced because of the proposed change. All systems, structures, and components (SSCs) required for the mitigation of an event remain capable of performing their design function. The proposed change has no adverse effects on any safety-related SSC and does not challenge the performance or integrity of any safety-related SSC. The methods by which safety-related SSCs perform their safety functions are unchanged. This amendment will not affect the normal method of power operation or change any operating parameters.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not involve a significant reduction in a margin of safety because the proposed changes do not reduce the margin of safety described in the FCS Technical Specifications or USAR. The proposed amendment does not involve a change to any of the fission product barriers (i.e., fuel cladding, reactor coolant system or the containment building). The operability requirements of the Technical Specifications are consistent with the initial condition assumptions of the safety analyses. The proposed change does not affect any Technical Specification limiting conditions for operation (LCO) requirements.

This proposed amendment uses LBB technology combined with leakage monitoring to show that it is acceptable to exclude the dynamic effects of pipe ruptures resulting from postulated breaks in the reactor coolant primary loop piping from consideration in the structural design basis for the period of extended operation. The attached Westinghouse report demonstrates that the LBB margins discussed in NUREG–1061, Volume 3 are satisfied.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David A. Repka, Esq., Winston & Strawn, 1700 K Street, NW., Washington, DC 20006–3817.

NRC Branch Chief: Michael T. Markley.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: January 6, 2014. A publicly-available version is in ADAMS under Accession No. ML14035A075.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed license amendment would revise Technical Specification (TS) 3.3.1, ''Reactor Trip System Instrumentation,'' with respect to the required actions and allowed outage times for inoperable reactor trip breakers. The proposed changes would revise the required actions to enhance plant reliability by reducing exposure to unnecessary shutdowns and increase operational flexibility by allowing more time to make required repairs for inoperable reactor trip breakers consistent with allowed outage times for associated logic trains. No modifications to setpoint actuations, trip setpoint, surveillance requirements or channel response that would affect the safety analyses are associated with the proposed changes.

The proposed changes are consistent with requirements generically approved as part of NUREG–1431, Standard Technical Specifications, Westinghouse Plants, Revision 4 (TS 3.3.1, ''Reactor Trip System Instrumentation'') (*see http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1431/*). Justification for the proposed changes is based on Westinghouse Topical Report,

WCAP–15376–P–A, Revision 1, ''Risk-Informed Assessment of the RTS [Reactor Trip System] and ESFAS [Engineered Safety Feature Actuation System] Surveillance Test Intervals and Reactor Trip Breaker Test and Completion Times,'' March 2003 (not publicly available).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The overall reactor trip breaker performance will remain within the bounds of the previously performed accident analyses since no hardware changes are proposed. The reactor trip breakers will continue to function in a manner consistent with the plant design basis.

The proposed changes do not introduce any new accident initiators, and therefore do not increase the probability of any accident previously evaluated. There will be no degradation in the performance of or an increase in the number of challenges imposed on safety-related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters or accident mitigation performance. The proposed changes will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the Updated Final Safety Analysis Report.

The determination that the results of the proposed changes are acceptable was established in the NRC Safety Evaluation (issued by letter dated December 20, 2002) prepared for WCAP–15376–P–A, ''Risk-Informed Assessment of the RTS and ESFAS Surveillance Test Intervals and Reactor Trip Breaker Test and Completion Times.'' Implementation of the proposed changes will result in an insignificant risk impact.

Applicability of these conclusions has been verified through plant-specific reviews and implementation of the generic analysis results in accordance with the respective NRC Safety Evaluation conditions.

Therefore, the proposed changes do not increase the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not result in a change in the manner in which the Reactor Trip Breakers provide plant protection. The proposed changes do not change the response of the plant to any accidents. No design changes are associated with the proposed changes.

The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously analyzed.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria as stated in the Updated Final Safety Analysis Report are not impacted by these changes. Redundant Reactor Trip Breaker features and diverse trip features for each Reactor Trip Breaker are maintained. All signals credited as primary or secondary, and all operator actions credited in the accident analyses are unaffected by the proposed change. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes should enhance plant reliability by reducing exposure to unnecessary shutdowns and increase operational flexibility by allowing more time to make required repairs for inoperable reactor trip breakers. The calculated impact on risk is insignificant and meets the acceptance criteria contained in NRC Regulatory Guides 1.174 and 1.177.

Therefore, the proposed changes do not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendment involves no significant hazards consideration.

Attorney for licensee: A. H. Gutterman, Esq., Morgan, Lewis & Bockius, 1111 Pennsylvania Avenue NW, Washington, DC 20004.

NRC Branch Chief: Michael T. Markley.

Tennessee Valley Authority (TVA), Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of amendment request: November 22, 2013. A publicly-available version is in ADAMS under Accession No. ML14015A403.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The TVA, in its letter dated August 30, 2013 (ADAMS Accession No. ML13268A421), identified the Alternative Leakage Treatment (ALT) Pathway as being in a nonconforming/degraded condition. The TVA's corrective actions that were outlined to change the ALT Pathway included modification of licensing documents to show lower individual and total leakage rates through the main steam isolation valves (MSIVs). The proposed license amendments would revise Technical Specification 3.6.1.3, ''Primary Containment Isolation Valves (PCIVs).'' The amendments would decrease the leakage rate through each MSIV and the combined leakage rate through all four main steam lines.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change continues to use the main steam drain lines to direct MSIV leakage to the main condenser, although at a lower rate than is currently allowed. Therefore, the ALT Pathway takes advantage of the large volume of the steam lines and condenser to provide holdup and plate-out fission products that may leak through the closed MSIVs. Additionally, the main steam lines, main steam drain piping, and the main condenser continue to be used to mitigate the consequences of an accident to limit potential doses below the limits prescribed in 10 CFR 50.67(b)(2)(i) for the exclusion area, 10 CFR 50.67(b)(2)(ii) for the low population zone, and in 10 CFR 50.67(b)(2)(iii) for control room personnel.

The plant-specific radiological analysis has been re-evaluated to ensure that the effects of the increase in the condenser bypass flow and proposed decrease in MSIV leakage continues to maintain the acceptance criteria in terms of offsite doses and main control room dose. The analysis results comply with the dose limits prescribed in 10 CFR 50.67(b)(2)(i) for the exclusion area, 10 CFR 50.67(b)(2)(ii) for the low population zone, and in 10 CFR 50.67(b)(2)(iii) for control room personnel.

Therefore, the proposed change does not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve any physical changes to plant safety related systems, structures, and components (SSCs) or alter the modes of plant operation in a manner that is outside the bounds of the current alternate leakage treatment pathway. Because the safety and design requirements continue to be met and the integrity of the Reactor Coolant System (RCS) pressure boundary is not challenged, no new credible failure mechanisms, malfunctions, or accident initiators are created, and there will

be no effect on the accident mitigating systems in a manner that would significantly degrade the plant's response to an accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to Surveillance Requirement 3.6.1.3.10, to decrease the allowable MSIV leakage, and increase the condenser bypass flow due to only crediting the passive ALT Pathway, does not involve a significant reduction in the margin of safety. The allowable leak rate specified for the MSIVs is used to quantify a maximum amount of leakage assumed to bypass containment. The results of the re-analysis supporting these changes were evaluated against the dose limits contained in 10 CFR 50.67(b)(2)(i) for the exclusion area, 10 CFR 50.67(b)(2)(ii) for the low population zone, and 10 CFR 50.67(b)(2)(iii) for control room personnel. Margin relative to the regulatory limits is maintained.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, Tennessee, 37902.

NRC Branch Chief: Jessie F. Quichocho.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: August 13, 2013, as supplemented January 28, 2014. Publicly-available versions of the letters dated August 13, 2013, and January 28, 2014, are in ADAMS under Accession Nos. ML13247A076 and ML14035A224.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise Safety Limits 2.1.1, ''Reactor Core SLs;'' Technical Specification (TS) 3.3.1, ''Reactor Trip System (RTS) Instrumentation;'' TS 3.3.2, ''Engineered Safety Feature Actuation System (ESFAS) Instrumentation;'' TS 3.3.5, ''Loss of Power (LOP) Diesel Generator (DG) Start Instrumentation;'' TS 3.4.1, ''RCS Pressure, Temperature, and Flow Departure from Nucleate Boiling (DNB) Limits;'' TS 3.7.1, ''Main Steam Safety Valves (MSSVs);'' and Specification 5.6.5, ''CORE OPERATING LIMITS REPORT (COLR),'' to replace the existing Wolf Creek Nuclear Operating Corporation (WCNOC) methodology for performing core design, non-loss-of-coolant-accident (non-LOCA) and LOCA safety analyses (for Post-LOCA Subcriticality and Cooling only) with standard Westinghouse developed and NRC-approved analysis methodologies. As part of the transition to the generic Westinghouse NRC-approved methodologies, instrumentation setpoint and control uncertainty calculations were performed based on the current Westinghouse Setpoint Methodology. This amendment request also includes the adoption of Option A of Technical Specification Task Force (TSTF) change traveler TSTF–493–A, Revision 4, ''Clarify Application of Setpoint Methodology for LSSS [Limiting Safety System Setpoint] Functions.'' In addition, the proposed amendment request revises the TS definitions of DOSE EQUIVALENT 1–131, and DOSE EQUIVALENT XE–133, and Specification 5.5.12, ''Explosive Gas and Storage Tank Radioactivity Monitoring Program,'' to revise the Wolf Creek Generating Station (WCGS) licensing basis by adopting the Alternative Source Term (AST) radiological analysis methodology in accordance with 10 CFR 50.67, ''Accident source term.'' This amendment request represents a full scope implementation of the AST as described in NRC Regulatory Guide (RG) 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors,'' Revision 0 (ADAMS Accession No. ML003716792). In conjunction with the full scope implementation of the AST, the proposed amendment request includes changes to adopt TSTF–51–A, Revision 2, ''Revise Containment Requirements during Handling Irradiated Fuel and Core Alterations.'' The adoption of TSTF–51–A results in changes to TS 3.3.6, ''Containment Purge Isolation Instrumentation;'' TS 3.3.7, ''Control Room Emergency Ventilation System (CREVS) Actuation Instrumentation;'' TS 3.3.8, ''Emergency Exhaust System (EES) Actuation Instrumentation;'' TS 3.7.10, ''Control Room Emergency Ventilation System (CREVS);'' TS 3.7.11, ''Control Room Air Conditioning System (CRACS);'' TS 3.7.13, ''Emergency Exhaust System (EES);'' and TS 3.9.4, ''Containment Penetrations.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes associated with the implementation of Technical Specification Task Force (TSTF)-493–A adds test requirements to TS instrumentation functions related to those variables that have a significant safety function to ensure that instruments will function as required to initiate protective systems or actuate mitigating systems as assumed in the safety analysis. The proposed changes do not impact the condition or performance of any plant structure, system or component. The new core design, non-loss-of-coolant-accident (non-LOCA) and Post-LOCA Subcriticality and Cooling analyses and the proposed Nominal Trip Setpoints (NTSPs) will continue to ensure the applicable safety limits are not exceeded during any conditions of normal operation, for design basis accidents (DBAs) as well as any Anticipated Operational Occurrence (AOO). The methods used to perform the affected safety analyses, including the setpoint methodology are based on methods previously found acceptable by the NRC and conform to applicable regulatory guidance. Application of these NRC approved methods will continue to ensure that acceptable operating limits are established to protect the integrity of the Reactor Coolant System (RCS) and fuel cladding during normal operation, DBAs, and any AOOs. The TS changes associated with the implementation of TSTF–493–A will provide additional assurance that the instrumentation setpoints are maintained consistent with the setpoint methodology to ensure the required automatic trips and safety feature actuations occur such that the safety limits are not exceeded. The requested TS changes, including those changes proposed to conform to the new methodologies and TSTF–493–A do not involve any operational changes that could affect system reliability, performance, or the possibility of operator error. The proposed changes do not affect any postulated accident precursors, or accident mitigation systems, and do not introduce any new accident initiation mechanisms.

Adoptions of the AST and pursuant TS changes (including those changes resulting from the adoption of TSTF–51–A) and the changes to the atmospheric dispersion factors have no impact to the initiation of DBAs. Once the occurrence of an accident has been postulated, the new accident source term and atmospheric dispersion factors are an input to analyses that evaluate the radiological consequences. The proposed changes do not involve a revision to the design or manner in which the facility is operated that could increase the probability of an accident previously evaluated in Chapter 15 of the Updated Safety Analysis Report (USAR).

The structures, systems and components affected by the proposed changes act to

mitigate the consequences of accidents. Based on the AST analyses, the proposed changes do revise certain performance requirements; however, the proposed changes do not involve a revision to the parameters or conditions that could contribute to the initiation of an accident previously discussed in Chapter 15 of the USAR. Plant specific radiological analyses have been performed using the AST methodology and new atmospheric dispersion factors. Based on the results of these analyses, it has been demonstrated that the control room dose consequences of the limiting events considered in the analyses meet the regulatory guidance provided for use with the AST, and the offsite doses are within acceptable limits. This guidance is presented in 10 CFR 50.67 and RG 1.183.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change involves a physical alteration of the plant, i.e., a change in instrument setpoint. The proposed change does not create any new failure modes for existing equipment or any new limiting single failures. Additionally the proposed change does not involve a change in the methods governing normal plant operation and all safety functions will continue to perform as previously assumed in accident analyses. Thus, the proposed change does not adversely affect the design function or operation of any structures, systems, and components important to safety. The proposed change does not involve changing any accident initiators.

Implementation of AST and the associated proposed TS changes and new atmospheric dispersion factors do not alter or involve any design basis accident initiators and do not involve a physical alteration of the plant (no new or different type of equipment will be installed). The proposed change does not adversely affect the design function or mode of operations of structures, systems and components in the facility important to safety. The structures, systems and components important to safety will continue to operate in the same manner as before after the AST is implemented, therefore, no new failure modes are created by this proposed change. The AST change does not involve changing any accident initiators.

For the fuel handling accident, the adoption of TSTF–51–A permits the elimination of the TS requirements for certain Engineered Safety Feature (ESF) systems to be OPERABLE after sufficient radioactive decay. However, after sufficient radioactive decay, no credit is taken for these ESF systems to meet the applicable regulatory dose limits in the event of a fuel handling accident. Therefore, no structures, systems and components important to safety are adversely affected by the proposed change. The proposed change resulting from the adoption of TSTF–51–A does not involve changing any accident initiators.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed methodology changes and implementation of TSTF–493–A will not adversely affect the operation of plant equipment or the function of equipment assumed in the accident analysis. The proposed changes do not adversely affect the design and performance of the structures, systems, and components important to safety. Therefore, the required safety functions will continue to be performed consistent with the assumptions of the applicable safety analyses. In addition, operation in accordance with the proposed TS change will continue to ensure that the previously evaluated accidents will be mitigated as analyzed. The NRC approved safety analysis methodologies include restrictions on the choice of inputs, the degree of conservatism inherent in the calculations, and specified event acceptance criteria. Analyses performed in accordance with these methodologies will not result in adverse effects on the regulated margin of safety. As such, there is no significant reduction in a margin of safety.

The results of the AST analyses are subject to the acceptance criteria in 10 CFR 50.67. The analyzed events have been carefully selected, and the analyses supporting these changes have been performed using approved methodologies to ensure that analyzed events are bounding and safety margin has not been reduced. The dose consequences of these limiting events are within the acceptance criteria presented in 10 CFR 50.67 and RG 1.183. Thus, by meeting the applicable regulatory limits for AST, there is no significant reduction in a margin of safety. New control room atmospheric dispersion factors (x/Qs) based on site specific meteorological data, calculated in accordance with the guidance of RG 1.194, utilizes more recent data and improved calculation methodologies.

For the fuel handling accident, the adoption of TSTF–51–A allows the elimination of the TS requirements for certain ESF systems to be OPERABLE, after sufficient radioactive decay. However, after sufficient radioactive decay, no credit is taken for these ESF systems to meet the applicable regulatory dose limits in the event of a fuel handling accident. Therefore, no structures, systems and components important to safety are adversely affected by the proposed change. With the proposed changes, the requirements of the TS will reflect that after sufficient radioactive decay, the water level and decay time inputs will be the primary success path for mitigating a fuel handling accident. Thus, the TS will continue to provide adequate assurance of safe operation during fuel handling. As such, there is no significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037.

NRC Branch Chief: Michael T. Markley.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Luminant Generation Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant, Units 1 and 2, Somervell County, Texas

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit 1, Washington County, Nebraska

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S.

Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland, 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 20th day of March, 2014.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of FEDERAL REGISTER notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007), apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/activity
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2014–06784 Filed 4–7–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71848; File No. SR–CBOE–2014–030]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Rule 5.5

April 2, 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 28, 2014, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to replace the reference to "GOOG" with "GOOGL" in Interpretation and Policy .22 to Rule 5.5. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *] [sic]

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 5.5. Series of Option Contracts Open for Trading.

No change.

...Interpretations and Policies:

.01–.21 No change.

.22 *Mini Options Contracts*

(a) After an option class on a stock, exchange-traded fund (ETF) share (referred to as "Unit" in Rule 5.3.06), Trust Issued Receipt (TIR), exchange-traded note (ETN), and other Index-Linked Security with a 100 share deliverable has been approved for listing and trading on the Exchange, series of option contracts with a 10 share deliverable on that stock, ETF share, TIR, ETN and other Index-Linked Security may be listed for all expirations opened for trading on the Exchange. Mini-option contracts may currently be listed on SPDR S & P 500 (SPY), Apple, Inc. (AAPL), SPDR Gold Trust (GLD), Google, Inc. (GOOG*L*) and Amazon.com Inc. (AMZN).

(b)–(d) No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to make a change to Interpretation and Policy .22

of Exchange Rule 5.5 to enable the continued trading of mini options on Google's class A shares. The Exchange is proposing to make this change because, on April 2, 2014, Google will issue a new class of shares (class C) to its shareholders in lieu of a cash dividend payment. Additionally, this new class C of shares will be given the current Google ticker, ''GOOG.'' As a result, a new ticker, ''GOOGL,'' will be issued to the class A shares. The Exchange is proposing to change the Google ticker referenced in Exchange Rule 5.5.22 from ''GOOG'' to ''GOOGL.''

This change to Interpretation and Policy .22 of Rule 5.5 shall become effective on April 3, 2014 which is the day after Google officially changes their ticker. The purpose of this change is to ensure that Rule 5.5 properly reflects the intention and practice of the Exchange to trade mini options on only an exhaustive list of underlying securities outlined in Exchange Rule 5.5.22. This change is meant to continue the inclusion of class A shares of Google in the current list of underlying securities that mini options can be traded on, while making it clear that class C shares of Google are not part of that list as that class of options has not been approved for mini option trading. As a result, the proposed change will also help avoid confusion.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change to change the Google class A ticker to its new designation is consistent with the Act because the proposed change is merely updating the corresponding ticker to allow for continued mini option trading on Google's class A shares. The proposed change will allow for continued benefit to investors by providing them with additional investment alternatives.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change does not impose any burden on intramarket competition because it applies to all Trading Permit Holders. There is no burden on intermarket competition as the proposed change is merely attempting to update the new ticker for Google class A for mini-options. As a result, there will be no substantive changes to the Exchange's operations or its rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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[6] and Rule 19b–4(f)(6)(iii) thereunder.[7]

A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii)[9] 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 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 Exchange to continue to list mini options on the Google Class A shares following the issuance of a new class of Google shares (class C) on April 2, 2014. For this reason, the Commission designates the proposed rule change to be operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–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–CBOE–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

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] *Id.*

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 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.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] 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).

only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–030 and should be submitted on or before April 29, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–07766 Filed 4–7–14; 8:45 am]

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[11] 17 CFR 200.30–3(a)(12).

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

March 27, 2014.

Correction

In notice document 2014–07353 appearing on pages 18599–18601 in the issue of April 2, 2014, make the following correction:

On page 18599, in the second column, the date in the heading which was inadvertently omitted is corrected to read as set forth above.

[FR Doc. C1–2014–07353 Filed 4–7–14; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[License No. 07/07–0117]

Eagle Fund III–A, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Eagle Fund III–A, L.P., 101 S. Hanley Road, Suite 1250, St. Louis, Missouri 63105, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107). Eagle Fund III–A, L.P., proposes to provide debt and equity financing to Oliver Street Dermatology Holdings, LLC, 5310 Harvest Hill Road, Suite 229, Dallas, TX 75230.

The financing was contemplated to provide capital that contributes to the growth and overall sound financing of Oliver Street Dermatology Holdings, LLC. The financing is brought within the purview of § 107.730(a)(1) and § 107.730(d)(1) of the Regulations because, Oliver Street Dermatology Holdings, LLC is considered an Associate of Eagle Fund III–A, L.P., as defined in Sec.105.50 of the regulations due to common ownership.

Notice is hereby given that any interested person may submit written comments on the transaction within fifteen days of the date of this publications to the Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Javier E. Saade,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2014–07669 Filed 4–7–14; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13907 and #13908]

Georgia Disaster Number GA–00058

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–4165–DR), dated 03/06/2014.

Incident: Severe Winter Storm.

Incident Period: 02/10/2014 through 02/14/2014.

Effective Date: 04/01/2014.

Physical Loan Application Deadline Date: 05/05/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 12/08/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Georgia, dated 03/06/2014, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Fannin, Habersham, Taliaferro, Twiggs.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–07788 Filed 4–7–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13921 and #13922]

North Carolina Disaster #NC–00060

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Carolina (FEMA—4167—DR), dated 03/31/2014.

Incident: Severe winter storm.

Incident Period: 03/06/2014 through 03/07/2014.

DATES: *Effective Date:* 03/31/2014.

Physical Loan Application Deadline Date: 05/30/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 12/31/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business

Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/31/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Alamance; Caswell; Davidson; Davie; Granville; Guilford; Orange; Person; Randolph.

The Interest Rates are:

For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 13921B and for economic injury is 13922B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–07767 Filed 4–7–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 05/05–5213 issued to Milestone Growth Fund, Inc., said license is hereby declared null and void.

Dated: March 31, 2014.

United States Small Business Administration.

Javier E. Saade,

Associate Administrator for Investment.

[FR Doc. 2014–07769 Filed 4–7–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 8684]

30-Day Notice of Proposed Information Collection: Form—DS–1950, Department of State Application for Employment

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to May 8, 2014.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Diana M. Ossa, Bureau of Human Resources, Recruitment Division, Student Programs, U.S. Department of State, Washington, DC 20522, who may be reached on 202–663–3575 or by email at *ossadm@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Department of State Application for Employment *OMB Control Number:* 1405–0139.
- *Type of Request:* Extension of a currently approved collection.
- *Originating Office:* Bureau of Human Resources, Office of Recruitment, Examination, Employment (HR/REE).
- Form Number: DS–1950.
- *Respondents:* U.S. Citizens seeking entry into certain Department of State Foreign Service positions.
- *Estimated Number of Respondents:* 60.
- *Estimated Number of Responses:* 60.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 30 hours.
- *Frequency:* On Occasion.
- *Obligation To Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The DS–1950 has been the form used by individuals to apply for certain excepted jobs at the Department of State such as Foreign Service specialist positions. We wish to continue to use this form to clarify interpretation of applicant responses and how applicants become aware of our program opportunities. Section 1104 of title 5, United States Code, authorizes OPM to delegate the authority to collect necessary employment information to other agencies, including the Department of State. With respect to Foreign Service Specialist applicants, authority is given under 22 U.S.C. Section 3926 and 3941.

Methodology: The DS–1950 form will be used by applicants for certain service jobs at the Department of State, such as Foreign Service Specialist and Generalist positions. We are in the process of transitioning the final programs onto the USAJobs.gov platform and expect no more than 60

applicants to utilize the DS–1950 this year. Although we are encouraging all programs to use USAJobs.gov, we wish to extend the form to ensure we are not in violation under the Paper Reduction Act (PRA) during the transitioning period. Data, which is extracted from the form, is necessary to determine qualifications, salary, and selections, in accordance with Federal policies.

Dated: March 25, 2014.

William E. Schaal, Jr.,

Executive Director, HR/EX, Department of State.

[FR Doc. 2014–07859 Filed 4–7–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8686]

Culturally Significant Objects Imported for Exhibition Determinations: ''Spanish Drawings From the Kunsthalle of Hamburg, Germany''

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, and 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 ''Spanish Drawings from the Kunsthalle of Hamburg, Germany,'' 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 Meadows Museum, Dallas, Texas, from on or about May 25, 2014, until on or about August 31, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: April 1, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–07851 Filed 4–7–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8685]

Culturally Significant Object Imported for Exhibition Determinations: ''Unity of Nature: Alexander von Humboldt and the Americas''

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, and 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 object to be included in the exhibition ''Unity of Nature: Alexander von Humboldt and the Americas,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Americas Society, New York, New York, from on or about April 29, 2014, until on or about July 26, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a description of the imported object, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: April 1, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–07853 Filed 4–7–14; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Dispute No. WTO/DS471]

WTO Dispute Settlement Proceeding Regarding Certain Methodologies and Their Application to Anti-Dumping Proceedings Involving China

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (''USTR'') is providing notice that the People's Republic of China (''China'') has requested the establishment of a dispute settlement panel under the *Marrakesh Agreement Establishing the World Trade Organization* (''WTO Agreement''). That request may be found at *www.wto.org* contained in a document designated as WT/DS471/5. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before May 2, 2014, to be assured of timely consideration by USTR.

ADDRESSES: Public comments should be submitted electronically to *www.regulations.gov,* docket number USTR–2014–0001. If you are unable to provide submissions by *www.regulations.gov,* please contact Sandy McKinzy at (202) 395–9483 to arrange for an alternative method of transmission.

If (as explained below) the comment contains confidential information, then the comment should be submitted by fax only to Sandy McKinzy at (202) 395–3640.

FOR FURTHER INFORMATION CONTACT: J. Daniel Stirk, Associate General Counsel, or Mayur Patel, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508, (202) 395–3150.

SUPPLEMENTARY INFORMATION: In accordance with Section 127(b) of the Uruguay Round Agreements Act (''URAA'') (19 U.S.C. 3537(b)(1)), USTR is providing notice that a dispute settlement panel has been established pursuant to the WTO Dispute Settlement Understanding (''DSU''). The panel will hold its meetings in Geneva, Switzerland.

Major Issues Raised by China

In its request for the establishment of a panel, China alleges that the Department of Commerce (''Commerce'')

acted inconsistently with various U.S. WTO obligations in a number of U.S. antidumping proceedings. The proceedings concern a number of imported products from China, including certain coated paper suitable for high-quality print graphics using sheet-fed presses (coated paper), certain oil country tubular goods (OCTG), high pressure steel cylinders (steel cylinders), polyethylene terephthalate film, sheet, and strip (PET film), aluminum extrusions, certain frozen and canned warmwater shrimp (shrimp), certain new pneumatic off-the-road tires (tires), crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), diamond sawblades and parts thereof (sawblades), multilayered wood flooring (flooring), narrow woven ribbons with woven selvedge (ribbons), polyethylene retail carrier bags (bags), and wooden bedroom furniture (furniture).

With respect to the antidumping measures on coated paper, OCTG, and steel cylinders, China challenges the application by Commerce in investigations of what China describes as a ''targeted dumping methodology'' and the use of ''zeroing'' in connection with the application of such methodology. China's challenge purports to include Commerce's final determinations in the antidumping investigations of these products, any modification, replacement, or amendment of such final determinations, and ''any closely connected, subsequent measures'' that involve the ''targeted dumping methodology.'' China is asserting that the application of the ''targeted dumping methodology'' is inconsistent with U.S. obligations under Article 2.4 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (AD Agreement).

With respect to the antidumping measure on PET film, China challenges Commerce's application in an administrative review of what China describes as a ''targeted dumping methodology'' and the use of ''zeroing'' in connection with the application of such methodology. China's challenge purports to include Commerce's final determination in the antidumping duty administrative review of PET film, any modification, replacement, or amendment of such final determination, and ''any closely connected, subsequent measures'' that involve the ''targeted dumping methodology.'' China is asserting that the use of the ''targeted dumping methodology'' in the review is inconsistent with U.S. obligations under Article 9.3 of the AD Agreement and Article VI:2 of the General Agreement on Tariffs and Trade 1994.

With respect to the antidumping measures on aluminum extrusions, coated paper, shrimp, tires, OCTG, solar cells, sawblades, steel cylinders, wood flooring, ribbons, bags, PET film, and furniture, China challenges Commerce's application in investigations and administrative reviews of what China describes as a ''single rate presumption for non-market economies.'' China's challenge purports to include certain of Commerce's preliminary determinations and final determinations, any modification, replacement, or amendment of such final determinations, and ''any closely connected, subsequent measures'' that involve the application of the ''single rate presumption.'' China also challenges what China describes as the ''single rate presumption'' ''as such,'' and alleges that it has been consistently applied pursuant to the regulation set forth in 19 CFR 351.107(d), Import Administration Policy Bulletin Number 05.1 of 5 April 2005, and the Import Administration Antidumping Manual, 2009, Chapter 10. China is asserting its claims with respect to the ''single rate presumption for non-market economies'' under Articles 6.10, 9.2, and 9.4 of the AD Agreement.

With respect to the antidumping measures on aluminum extrusions, coated paper, shrimp, tires, OCTG, solar cells, sawblades, steel cylinders, wood flooring, ribbons, bags, PET film, and furniture, China challenges Commerce's application in investigations and administrative reviews of what China describes as a ''NME-wide methodology,'' which, according to China, includes as ''features'' the ''failure to request information,'' the ''failure to provide rights of defense,'' and the ''recourse to facts available.'' China's challenge purports to include certain of Commerce's preliminary determinations and final determinations, any modification, replacement, or amendment of such final determinations, and ''any closely connected, subsequent measures'' that involve the application of the ''NME-wide methodology.'' China is asserting its claims with respect to the ''NME-wide methodology'' under Articles 6.1, 6.8 and Annex II, and Article 9.4 of the AD Agreement.

Finally, with respect to the antidumping measures on aluminum extrusions, coated paper, shrimp, tires, OCTG, solar cells, sawblades, steel cylinders, wood flooring, ribbons, bags, PET film, and furniture, China challenges Commerce's application in investigations and administrative reviews of what China describes as ''adverse facts available.'' China's challenge purports to include certain of Commerce's preliminary determinations and final determinations, any modification, replacement, or amendment of such final determinations, and ''any closely connected, subsequent measures'' that involve the application of what China describes as the ''NME-wide methodology.'' China also challenges the use of what China describes as ''adverse facts available'' ''as such,'' and alleges that it has been consistently applied pursuant to section 776(b) of the Tariff Act of 1930, codified at 19 U.S.C. 1677e(b) and regulations set forth in 19 CFR 351.308. China is asserting its claims with respect to ''adverse facts available'' under Article 6.8 and Annex II of the AD Agreement.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit public comments electronically to *www.regulations.gov* docket number USTR–2014–0001. If you are unable to provide submissions by *www.regulations.gov,* please contact Sandy McKinzy at (202) 395–9483 to arrange for an alternative method of transmission.

To submit comments via *www.regulations.gov,* enter docket number USTR–2014–0001 on the home page and click ''search''. The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notice'' under ''Document Type'' on the left side of the search-results page, and click on the link entitled ''Comment Now!'' (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use This Site'' on the left side of the home page.)

The *www.regulations.gov* Web site allows users to provide comments by filling in a ''Type Comments'' field, or by attaching a document using an ''Upload File'' field. It is expected that most comments will be provided in an attached document. If a document is attached, it is sufficient to type ''See attached'' in the ''Type Comments'' field.

A person requesting that information contained in a comment that he/she submitted, be treated as confidential business information must certify that such information is business confidential and would not customarily

be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395–3640. A non-confidential summary of the confidential information must be submitted to *www.regulations.gov*. The non-confidential summary will be placed in the docket and will be open to public inspection.

USTR may determine that information or advice contained in a comment submitted, other than business confidential information, is confidential in accordance with Section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter:

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE''

at the top and bottom of the cover page and each succeeding page; and

(3) Must provide a non-confidential summary of the information or advice.

Any comment containing confidential information must be submitted by fax. A non-confidential summary of the confidential information must be submitted to *www.regulations.gov*. The non-confidential summary will be placed in the docket and will be open to public inspection.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR–2014–0001, accessible to the public at *www.regulations.gov*.

The public file will include non-confidential comments received by USTR from the public regarding the dispute. The following documents will be made available to the public at *www.ustr.gov:* The U.S. submissions, any non-confidential summaries or submissions received from other participants in the dispute, and any non-confidential summaries of submissions received from other participants in the dispute.

The report of the panel in this proceeding and, if applicable, the report of the Appellate Body, will be available on the Web site of the World Trade Organization, at *www.wto.org*. Comments open to public inspection may be viewed at *www.regulations.gov*.

Juan Millan,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 2014–07876 Filed 4–7–14; 8:45 am]

BILLING CODE 3290–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice To Rescind a Notice of Intent To Prepare an Environmental Impact Statement: Orange and San Diego Counties, CA

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice to rescind a Notice of Intent To Prepare an Environmental Impact Statement.

SUMMARY: The FHWA is issuing this notice to advise the public that it is rescinding two Notices of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for a proposal to construct the extension of State Route 241 to Interstate 5 (I–5) in southern Orange County and northern San Diego County. The FHWA published the initial NOI in the **Federal Register** on February 20, 2001 and a supplemental NOI in the **Federal Register** on March 14, 2001. These rescissions are due in part to the U.S. Secretary of Commerce's December 2008 decision upholding the California Coastal Commission's (CCC) objection to the Foothill/Eastern Transportation Corridor Agency's (TCA) consistency determination for the proposed project. This NOI rescinds both NOIs.

FOR FURTHER INFORMATION CONTACT: Tay Dam, Senior Transportation Engineer, Federal Highway Administration, California Division, Cal South Office, 888 S. Figueroa, Ste. 750, Los Angeles, California 90017, or Adnan Maiah, Project Manager, Caltrans-District 12, 3347 Michelson Drive, Suite 100, Irvine, CA. 92612.

SUPPLEMENTARY INFORMATION: The FHWA, in coordination with the California Department of Transportation (Caltrans) and TCA, issued two NOIs on February 20, 2001 and March 14, 2001, to prepare an EIS for the proposed project. The project purpose was to alleviate future traffic congestion on I–5 and the arterial network in the southern Orange County area. The supplemental NOI provided notice of the preparation of a joint EIS pursuant to the National Environmental Policy Act and an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA).

In February 2008, the CCC objected to TCA's consistency determination for its Preferred Alternative under the federal Coastal Zone Management Act of 1972. TCA appealed the objection to the U.S. Secretary of Commerce, which upheld the CCC's decision in December 2008. Subsequently, TCA began exploring possible modifications and/or alternatives to the Southern Orange County Transportation Infrastructure Improvement Plan (SOCTIIP).

After consultation with TCA and Caltrans, the FHWA is rescinding the initial and supplemental NOIs based, in part, on the U.S. Secretary of Commerce's December 2008 decision. Continued operational and environmental studies conducted after the December 2008 decision did not result in a resolution of CCC concerns regarding the locally preferred alternative. Any future transportation improvements would be treated as a new project and would need to be initiated and proceed under separate environmental review processes, in accordance with all applicable laws and regulations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 2, 2014.

Larry Vinzant,

Senior Environmental Protection Specialist, Sacramento, California.

[FR Doc. 2014–07803 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0069]

Hours of Service of Drivers: Timberdoodle Company's Application for Exemption

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

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its denial of Timberdoodle Company's (Timberdoodle) request for an exemption from section 395.3(b)(1) of the ''Hours of Service [HOS] of Drivers'' regulations (49 CFR part 395). Section 395.3(b)(1) prohibits the operation of a

commercial motor vehicle (CMV) by anyone who has accumulated 60 hours of on-duty time in a period of 7 days. Timberdoodle requested that its drivers be allowed to exclude from this calculation all on-duty time other than time actually driving a CMV. FMCSA concluded that Timberdoodle has not demonstrated how its CMV operations under such an exemption would be likely to achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the exemption.

DATES: FMCSA denied the application for exemption by letter dated December 9, 2013, after notice and opportunity for public comment.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Bus and Truck Standards and Operations; Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Docket

You may read background documents or comments filed to the docket of this application for exemption by going to www.regulations.gov at any time, or to Room W12–140, DOT Building, 1200 New Jersey Ave. SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Background

FMCSA has authority under 49 U.S.C. 31315 and 31136(e) to grant exemptions from certain parts of the FMCSRs. The Agency is required to publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)]. FMCSA must provide the public an opportunity to inspect the information relevant to the application. The Agency must also provide an opportunity for public comment on the request. FMCSA reviews the public comments and determines whether granting the exemption would be likely to achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the exemption (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** with the reasons for denying or granting the application [49 CFR 381.315(b) and (c)].

Application for Exemption

Timberdoodle uses commercial motor vehicles (CMVs) to transport its products to conferences and conventions, where it sells them. It wants to use its CMV drivers as salespersons at these events, but the definition of ''on duty time'' in 49 CFR 395.2 requires that both the driving time and the sales time of its drivers be treated as ''on duty time.'' The result is that Timberdoodle's drivers are frequently ineligible to drive its CMVs because they have exceeded the limit of 60 hours on duty in a period of 7 consecutive days. Timberdoodle asked for exemption from Section 395.3(b)(1) and proposed that its drivers be prohibited from operating a CMV only after they accumulate 60 hours of *driving* time in any 7-day period. Thus, ''on duty/not driving'' time would be removed from the calculation of total hours on duty in a 7-day period. A copy of Timberdoodle's application for exemption is in Docket FMCSA–2013–0069.

Public Comments

On May 3, 2013, FMCSA published notice of this application and asked for public comment (78 FR 26104). Four individuals and Advocates for Highway and Auto Safety submitted comments. All opposed the application for exemption.

Agency Decision

FMCSA reviewed Timberdoodle's application and the public comments. By letter dated December 9, 2013, FMCSA denied the application because the Agency concluded Timberdoodle's operations were not likely to achieve a level of safety equivalent to or greater than the level of safety that would be achieved in the absence of the exemption [49 CFR 381.310(c)(5)]. Its drivers could accumulate up to 98 hours of on-duty (driving and not driving) time in a 7-day period before other HOS rules would bar their operation of a CMV.

Timberdoodle did not offer any measures to offset the excessive driver fatigue that would no doubt be generated by such a schedule. Further, while Timberdoodle may prefer to operate in the manner outlined in its application, other practical approaches to its convention sales that would not require its CMV drivers to exceed the on-duty limits of 49 CFR 395.3(b)(1) may be available. A copy of the denial letter is in Docket FMCSA–2013–0069.

Issued on: April 1, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–07805 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2004–17989]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated January 29, 2014, Canadian Pacific Railway (CP) has petitioned the Federal Railroad Administration (FRA) for a renewal of its waiver of compliance from certain provisions of the Federal railroad safety regulations contained in 49 CFR part 218, Subpart B, Blue Signal Protection of Workers. FRA assigned the petition Docket Number FRA–2004–17989.

CP seeks renewal of its relief from 49 CFR Section 218.22(c)(5), *Utility employee.* This section lists the functions allowed to be performed by a utility employee without establishing blue signal protection. Although the employee under this section is allowed to remove or replace an end-of-train (EOT) telemetry device, FRA has maintained that removing or replacing a battery in an EOT, while the device is in place on the rear of the train, requires Blue Signal Protection because this task is a service and repair to the device. The present relief allows operating craft utility employees to change out EOT batteries as long as the changeout does not require the use of a tool. CP states that in the 8 years since the original waiver was granted, it has not recorded any accidents or incidents related to this waiver and hereby submits its petition for continued relief.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be

submitted by any of the following methods:

• *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by May 23, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–07786 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0015]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated January 25, 2014, Texas State Railroad (TSRR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses. FRA assigned the petition Docket Number FRA–2014–0015.

TSRR is a 25-mile-long tourist railroad that operates between Rusk and Palestine, TX, at a track speed of 20 mph. It shares track with another freight railroad, the Rusk, Palestine, and Pacific Railway. TSRR is requesting relief from the glazing requirements for three locomotives: TSRR Nos. 1, 8, and 22. These three locomotives were built in the 1940s and 1950s and do not currently have compliant glazing. TSRR No. 8, an Alco MRS3, is used as a backup locomotive for passenger and excursion service when a TSRR steam locomotive is out of service. TSRR No. 1 is a General Electric (GE) 45-ton center cab locomotive used as a shop switcher and to haul maintenance-of-way equipment. TSRR No. 22 is a GE 70-ton locomotive, which is currently out of service, but TSRR plans to return to service in the near future. Each of these locomotives would incur less than 2,500 service miles per year.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• Web site: *http://www.regulations.gov.* Follow the online instructions for submitting comments.

• Fax: 202–493–2251.

• Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.

• Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by May 23, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–07787 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. 2014–0011]

Notice of Request for the Extension of a Currently Approved Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

DATES: Comments must be submitted before June 9, 2014.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. Web site: *www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. Fax: 202–366–7951.

3. Mail: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. Hand Delivery: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room

W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, to www.regulations.gov. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov.* Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Rick Krochalis, FTA Region 10 Office, (206) 220–7954, or email: *Rick.Krochalis@dot.gov*.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

(*OMB Number: 2132–0572*)

Background: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Federal Transit Administration and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Below we provide the Federal Transit Administration's projected average estimates for the next three years:

Average Expected Annual Number of Activities: 4.

Respondents: 2,700.

Annual Responses: 2,700.

Frequency of Response: Once per request.

Average Minutes per Response: 3.8.

Burden Hours: 592 annually.

Matthew M. Couch,

Associate Administrator for Administration.

[FR Doc. 2014–07785 Filed 4–7–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. 2014–0010]

Notice of Request for the Extension of a Currently Approved Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to renew the following information collection:

Survey of FTA Stakeholders

DATES: Comments must be submitted before June 9, 2014.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. Web site: *www.regulations.gov*. Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gove*. Commenters should follow the directions below for mailed and hand-delivered comments.
2. Fax: 202–493–2251.
3. Mail: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
4. Hand Delivery: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, to *www.regulations.gov*. You may review DOT's complete Privacy Act Statement in the **Federal**

Register published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov.* Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Krochalis, FTA Region 10 Region (206) 220–7954 or email: *Rick.Krochalis@dot.gov.*

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Survey of FTA Stakeholders

(*OMB Number: 2132–0564*)

Background: Executive Order 12862, ''Streamlining Service Delivery and Improving Customer Service,'' requires FTA to identify its stakeholders and address how the agency will provide services in a manner that seeks to streamline service delivery and improve the experience of its customers. The survey covered in this request will provide FTA with a means to gather data directly from its stakeholders. The information obtained from the survey will be used to assess how FTA's services are perceived by stakeholders, determine opportunities for improvement and establish goals to measure results. The survey will be limited to data collections that solicit voluntary opinions and will not involve information that is required by regulations.

Estimated Annual Burden on Respondents: 1 hour for each of the 1,200 respondents.

Estimated Total Annual Burden: 1,200 hours.

Frequency: Every two years.

Matthew Crouch,

Associate Administrator for Administration.

[FR Doc. 2014–07784 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0036]

National Emergency Medical Services Advisory Council (NEMSAC); Notice of Federal Advisory Committee Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice—National Emergency Medical Services Advisory Council.

SUMMARY: The NHTSA announces a meeting of NEMSAC to be held in the Metropolitan Washington, DC, area. This notice announces the date, time, and location of the meeting, which will be open to the public, as well as opportunities for public input to the NEMSAC. The purpose of NEMSAC, a nationally recognized council of emergency medical services representatives and consumers, is to advise and consult with DOT and the Federal Interagency Committee on EMS (FICEMS) on matters relating to emergency medical services (EMS).

DATES: This open meeting will be held on April 23, 2014, from 8 a.m. to 2:30 p.m. EDT, and on April 24, 2014, from 8 a.m. to 12 p.m. EDT. The NEMSAC will meet in closed session on April 23, 2014 from 2:30 p.m. to 3 p.m. to discuss administrative and travel procedures for members. A public comment period will take place on April 23, 2014, between 1 p.m. and 1:30 p.m. EDT and April 24, 2014, between 9 a.m. and 9:30 a.m. EDT. Written comments from the public must be received no later than April 18, 2014.

ADDRESSES: The meeting will be held at the FHI 360 Conference Center on the eighth floor of 1825 Connecticut Avenue NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Drew Dawson, Director, U.S. Department of Transportation, Office of Emergency Medical Services, 1200 New Jersey Avenue SE., NTI–140, Washington, DC 20590; telephone 202–366–9966; email *Drew.Dawson@dot.gov*.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App.). The NEMSAC is authorized under Section 31108 of the Moving Ahead with Progress in the 21st Century Act of 2012. The NEMSAC will meet on Wednesday and Thursday, April 23–24, 2014, at the FHI 360 Conference Center on the eighth floor of 1825 Connecticut Avenue NW., Washington, DC 20009.

Tentative Agenda of National EMS Advisory Council Meeting, April 23–24, 2014

The tentative agenda includes the following:

Wednesday, April 23, 2014 (8 a.m. to 2:30 p.m. EDT)

(1) Opening Remarks
(2) Disclosure of Conflicts of Interests by Members
(3) Reports of liaisons from the Departments of Transportation, Homeland Security, and Health & Human Services
(4) Presentation and discussion on ground ambulance crash statistics and ongoing efforts by DOT to improve ambulance safety
(5) Presentation of the draft NEMSAC Annual Report
(6) Presentation, Discussion and Possible Adoption of Reports and Recommendations from the following NEMSAC Workgroups:
  a. Patient Protection and Affordable Care Act
  b. Revision of the EMS Education Agenda for the Future
  c. EMS Agenda for the Future
  d. Culture of Safety
(7) Other Business of the Council
(8) Public Comment Period (1 p.m. to 1:30 p.m. EDT)
(9) Closed Administrative Session to discuss travel procedures (2:30 p.m. to 3 p.m.)
(10) Workgroup Breakout Sessions (3:00 p.m.–5:00 p.m. EDT)

Thursday, April 24, 2014 (8 a.m. to 12 p.m. EDT)

(1) Unfinished Business/Continued Discussion from Previous Day
(2) Public Comment Period (9 a.m. to 9:30 a.m. EDT)
(3) Adoption of a NEMSAC Annual Report
(4) Annual Election of Chair and Vice-Chair
(5) Next Steps and Adjourn

On Wednesday, April 23, 2014, from 2:30 p.m. to 3 p.m. EDT the NEMSAC will meet in a closed session to discuss administrative and travel procedures with members. On Wednesday, April 23, 2014, from 3 p.m. to 5 p.m. EDT, the NEMSAC workgroups will meet in breakout sessions at the same location. These sessions are open for public attendance, but their agendas do not

accommodate public comment. A final agenda as well as meeting materials will be available to the public online through *www.EMS.gov* on or before April 11, 2014.

Registration Information: This meeting will be open to the public; however, pre-registration is requested. Individuals wishing to attend must register online at *https://www.signup4.net/Public/ap.aspx?EID=DOTN13E* no later than April 18, 2014. There will not be a teleconference option for this meeting.

Public Comment: Members of the public are encouraged to comment directly to the NEMSAC. Those who wish to make comments on Wednesday, April 23, 2014, between 1 p.m. and 1:30 p.m. EDT or Thursday, April 24, 2014, between 9 a.m. and 9:30 a.m. EDT should indicate their preference when checking in for the meeting. In order to allow as many people as possible to speak, speakers are requested to limit their remarks to 5 minutes. Written comments from members of the public will be distributed to NEMSAC members at the meeting and should reach the NHTSA Office of EMS no later than April 18, 2014. Written comments may be submitted by either one of the following methods: (1) you may submit comments by email: *nemsac@dot.gov* or (2) you may submit comments by fax: (202) 366–7149.

Future Meeting Dates: NHTSA is also announcing future NEMSAC meeting dates for 2014. The NEMSAC will meet in Washington, DC at sites yet to be determined on September 9–10, 2014 and December 3–4, 2014.

Issued on: Dated: April 3, 2014.

Jeffrey P. Michael,

Associate Administrator for Research and Program Development.

[FR Doc. 2014–07802 Filed 4–7–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8893

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8893, Election of Partnership Level Tax Treatment.

DATES: Written comments should be received on or before June 9, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Election of Partnership Level Tax Treatment.

OMB Number: 1545–1912.

Form Number: 8893.

Abstract: IRC section 6231(a)(1)(B)(ii) allows small partnerships to elect to be treated under the unified audit and litigation procedure. Form 8893 will allow IRS to better track these elections by providing a standardized format for this election.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 1 hours, 27 minutes.

Estimated Total Annual Burden Hours: 227.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2014.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2014–07828 Filed 4–7–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2013

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: Publication of the inflation adjustment factor, nonconventional source fuel credit, and reference price for calendar year 2013 as required by section 45K of the Internal Revenue Code (26 U.S.C. 45K). The inflation adjustment factor and reference price are used to determine the credit allowable under section 45K for coke or coke gas (other than from petroleum based products) for calendar year 2013.

DATES: The 2013 inflation adjustment factor, nonconventional source fuel credit, and reference price apply to coke or coke gas (other than from petroleum based products) sold during calendar year 2013.

Inflation Adjustment Factor: The inflation adjustment factor for coke or coke gas for calendar year 2013 is 1.1975.

Credit: The nonconventional source fuel credit for coke or coke gas for calendar year 2013 is $3.59 per barrel-of-oil equivalent of qualified fuels.

Reference Price: The reference price for calendar year 2013 is $96.13. The phaseout of the credit does not apply to coke or coke gas.

FOR FURTHER INFORMATION CONTACT: For questions about how the inflation adjustment factor is calculated—

Ahmad Qadri, RAS:R:FDA, Internal Revenue Service, 77 K Street NE., Washington, DC 20002, Telephone Number (202) 803–9373 (not a toll-free number).

For all other questions about the credit or the reference price—

Philip Tiegerman, CC:PSI:6, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, Telephone Number (202) 317–6853 (not a toll-free number).

Dated: April 1, 2014.

Curt G. Wilson,

Associate Chief Counsel, (Passthroughs and Special Industries).

[FR Doc. 2014–07835 Filed 4–7–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0773]

Proposed Information Collection (Veterans Health Benefits Handbook Satisfaction Survey) Activity: Comment Request

AGENCY: Veterans Health Administration, VA.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on eligibility and benefits information contained in Veterans Health Benefits handbook.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 9, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Audrey Revere, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *audrey.revere@va.gov.* Please refer to ''2900–0773 (VA Form 10–0507)'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere (202) 461–6050 or FAX (202) 273–9395.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veterans Health Benefits Handbook Satisfaction Survey, VA Form 10–0507.

OMB Control Number: 2900–0773.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 10–0507 will be used to request feedback from veterans on the content and presentation material contained in the Veterans Health Benefits Handbook. VA will use the data collected to determine how well the handbook meets Veterans' individual needs.

Affected Public: Individuals and Households.

Estimated Annual Burden: 135 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,060.

Dated: April 2, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–07674 Filed 4–7–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0773]

Proposed Information Collection (Veterans Health Benefits Handbook—Veterans Satisfaction Survey) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to identify areas for improvement in clinical training programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 9, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov.* Please refer to ''OMB Control No. 2900–0773'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere at (202) 461–5694.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of

information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veterans Health Benefits Handbook—Veterans Satisfaction Survey.

OMB Control Number: 2900–0773.

Type of Review: Revision of a currently approved collection.

Abstract: In response to Executive Order 12862, Setting Customer Service Standards, September 11, 1993, VHA conducts both centrally and locally administered surveys to determine the level of satisfaction with existing services among VHA customers. The survey will solicit voluntary opinions and are not intended to collect information required to obtain or maintain eligibility for a Department of Veterans Affairs (VA) program or benefit. The VHA Chief Business Office is constantly striving to improve the service we provide to our nation's Veterans.

Affected Public: Individuals or households.

Estimated Annual Burden: 135 hours.

Estimated Average Burden per Respondent: Five minutes.

Frequency of Response: 1.53 annually.

Estimated Annual Responses: 1060.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–07675 Filed 4–7–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Tuesday,

No. 67 April 8, 2014

Part II

Department of Homeland Security

Coast Guard

46 CFR Part 69

Tonnage Regulations Amendments; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 69

[Docket No. USCG–2011–0522]

RIN 1625–AB74

Tonnage Regulations Amendments

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its tonnage regulations by implementing amendments to the tonnage measurement law made by the Coast Guard Authorization Act of 2010. This rulemaking would also codify principal technical interpretations issued by the Coast Guard, and incorporate administrative, non-substantive clarifications of and updates to the tonnage regulations. The Coast Guard believes these changes will lead to a better understanding of regulatory requirements.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before July 7, 2014 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2011–0522 using any one of the following methods:

(1) Federal eRulemaking Portal: *http://www.regulations.gov.*

(2) Fax: 202–493–2251.

(3) Mail: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Marcus Akins, Marine Safety Center, Tonnage Division (MSC–4), Coast Guard; telephone (703) 872–6787, email *Marcus.J.Akins@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

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I. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

A. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–0522), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and insert ''USCG–2011–0522'' in the ''Search'' box. Click on ''Submit a Comment'' in the ''Actions'' column. 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.

B. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert ''USCG–2011–0522'' in the ''Search'' box. Click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

C. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

D. Public Meeting

We plan to hold one public meeting on this NPRM. We will publish a notice with the specific date and location of the meeting in the **Federal Register** as soon as we know this information. Individuals interested in receiving this notice personally should submit their contact information to ''*msc@uscg.mil*'' with ''Tonnage Public Meeting'' in the subject line. We plan to record this meeting using an audio-digital recorder and make that audio recording available through a link in our online docket. We will also provide a written summary of the meeting and comments and will place that summary in the docket.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Mr. Marcus Akins at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

II. Abbreviations

BLS	Bureau of Labor Statistics
CFR	Code of Federal Regulations

FR Federal Register
GRT Gross Register Tons
GT ITC Gross Tonnage Measurement under the Convention Measurement System
IMO International Maritime Organization
ITC (1969) International Tonnage Certificate (1969)
MSC Marine Safety Center
MSSC Marine Safety and Security Council
MTN Marine Safety Center Technical Note
NAICS North American Industry Classification System
NEPA National Environmental Policy Act 1969 (42 U.S.C. 432–4370f)
NPRM Notice of Proposed Rulemaking
NT ITC Net tonnage under the Convention Measurement System
NVIC Navigation and Vessel Inspection Circular
§ Section symbol
U.S.C. United States Code

III. Background

The tonnage measurement law, codified in Title 46, United States Code, Subtitle II, Part J, ''Measurement of Vessels,'' provides for assignment of gross and net tonnages to any vessel to which a law of the United States applies based on the vessel's tonnage. These parameters reflect a vessel's size and useful capacity, respectively, and are used for a variety of purposes, including the application of vessel safety, security, and environmental regulations, and the assessment of taxes and fees.

Depending on the vessel's size, voyage type, and other considerations, vessels are measured under the newer internationally-based Convention Measurement System, or the older domestic Regulatory Measurement System, of which there are three sub-systems: The Standard, Dual, and Simplified systems. Because variations between the two overarching systems may yield substantively different tonnages, the law, as amended in 1986, provides for owners of vessels measured under the Convention Measurement System to be additionally measured under the Regulatory Measurement System, and to use Regulatory Measurement System tonnage when applying certain tonnage-based requirements of older laws.

The Coast Guard administers the implementing regulations for the tonnage measurement law, which are found in Title 46, Code of Federal Regulations, Part 69, ''Measurement of Vessels'', and referred to as the tonnage regulations. Other than several changes of an administrative nature, the Coast Guard has not amended these regulations since an extensive rewrite in 1989 to reflect changes made by the 1986 amendments to the tonnage measurement law.

Assignment and use of tonnage under four different measurement systems presents some unique challenges, especially with regard to interpreting requirements on vessel eligibility for measurement under these systems, and applying domestic and international tonnage-based laws, particularly in situations where two sets of tonnages may be assigned to a vessel. To provide clarity and address the complexities of tonnage applicability requirements under the 1986 amended law, in 1993 we issued Navigation and Vessel Inspection Circular (NVIC) 11–93, ''Application of Tonnage Measurement Systems to U.S. Flag Vessels.'' This NVIC has been updated three times and provides current Coast Guard interpretations related to vessel eligibility for measurement under the various systems, and how the assigned tonnages may be used.

Additionally, to keep pace with rapidly evolving vessel designs, in 1999 the Coast Guard issued an additional tonnage interpretative policy document: Marine Safety Center Technical Note (MTN) 01–99, ''Tonnage Technical Policy.'' That document provides interpretations of the detailed rules of the tonnage regulations for measuring vessels and calculating tonnages, and was intended primarily for use by organizations that perform tonnage measurement work on our behalf. However, recognizing the importance of these interpretations to vessel designers, builders, owners, and others interested in the tonnage rules, we notified the public via the **Federal Register** when we updated MTN 01–99, starting with Change 6 (68 FR 71118 dated December 22, 2003).

The Coast Guard Authorization Act of 2010 (Pub. L. 111–281, Title III, § 303, Oct. 15, 2010, 124 Stat. 2924) (the 2010 Coast Guard Authorization Act) included amendments which updated, clarified, and eliminated inconsistencies in the tonnage measurement law, and precluded the owners of certain foreign flag vessels that engage solely on U.S. domestic voyages from obtaining a future measurement under the Regulatory Measurement System. Those amendments require related changes to the tonnage regulations. In addition, although NVIC 11–93 and MTN 01–99, as amended, have proven useful in supplementing the requirements of the tonnage regulations, we consider that some of the associated interpretations are better suited for codification, and are appropriate for inclusion in the tonnage regulations.

We developed the proposed rule to implement the 2010 amendments to the tonnage measurement law, codify principal policy interpretations, and incorporate additional clarifications and other administrative updates to the tonnage regulations. In identifying interpretations for codification, we took into consideration the frequency of their use, and potential impact on vessel designs or operations. We also balanced the benefit of increased clarity against the loss of flexibility to further develop and apply interpretations of a secondary nature to evolving ship designs, and to apply superseded interpretations in special circumstances under the grandfathering provisions of MTN 01–99, as amended. We expect the public to benefit from the proposed rule through increased visibility of principal policy interpretations applied during tonnage measurement. We also expect the public to benefit from the elimination of inconsistencies and incorporation of clarifications or updates that are either consistent with longstanding Coast Guard policy or reflective of current Coast Guard practice.

IV. Discussion of Proposed Rule

In the paragraphs below, we discuss the specific proposed amendments to the tonnage regulations, along with the reasons for implementing them. We organized the discussion according to the subpart and section number in which each change would appear in the text of 46 CFR part 69. Additional information about the need for and impact of these proposed amendments is provided in Section V.A., ''Regulatory Planning and Review,'' of this rulemaking.

Subpart A—General

§ 69.1 Purpose.

We propose amending this section to align it with Sections 303(c) and (f) of the 2010 Coast Guard Authorization Act, which eliminates disparate treatment of documented and undocumented U.S. flag vessels, and to reflect the use of tonnage for environmental and security purposes. In addition, we propose relocating the descriptions of each measurement system to the corresponding definitions in § 69.9.

§ 69.3 Applicability.

We propose amending this section to align it with the tonnage measurement law, Title 46 U.S.C. 14104, which requires the measurement of all U.S. and foreign flag vessels, regardless of size, for which the application of an international agreement or other law of the United States depends on the vessel's tonnage. This proposed change expands the scope of the regulations to apply to foreign flag vessels, as well as

U.S. flag vessels, and removes a 5 net ton minimum size restriction for measurement of U.S. flag vessels.

§ 69.5 Vessels required or eligible to be measured.

We propose deleting this section, as the proposed changes to § 69.3 address which vessels are required or are eligible to be measured.

§ 69.7 Vessels transiting the Panama and Suez Canals.

We propose amending this section to delete the requirement that vessels transiting the Panama Canal be measured under the Panama Canal tonnage measurement regulations formerly located in 35 CFR part 135. Due to the transfer of the Panama Canal to the Republic of Panama, the United States government no longer has responsibility for Panama Canal tonnage assignments. We also propose deletion of the requirement that vessels be measured under specific Suez Canal measurement rules, and all other references to these rules, as they are similarly not the responsibility of the United States government and are subject to change by the Arab Republic of Egypt. Our proposed new language alerts vessel owners to potential special tonnage certificate requirements when transiting the Panama and Suez Canals and states that measurement organizations authorized by the respective canal authorities may issue these special tonnage certificates.

§ 69.9 Definitions.

We propose amending this section to reflect new terms and concepts introduced in this rule, and to clarify existing definitions.

We propose defining the new terms ''deck cargo,'' ''gross register tonnage,'' ''gross tonnage ITC,'' ''net register tons,'' ''non-self-propelled vessel,'' ''Regulatory Measurement System,'' ''remeasurement,'' and ''self-propelled vessel'' based on definitions for similar terms in NVIC 11–93, as amended. We propose defining the new term ''portable enclosed space'' based on the definition of the term ''temporary deck equipment'' in the NVIC, but renaming it for consistency with common industry usage. We propose defining the new term ''U.S. flag vessel,'' which replaces the term ''vessel of United States registry or nationality or operated under the authority of the United States'' that is used in the tonnage measurement law, and referencing ''U.S. flag vessel'' in the definition for the new term ''foreign flag vessel.'' We propose defining the new term ''register ton'' based on the definition of this term in the tonnage regulations as they existed prior to 1989. We propose defining the new term ''authorized measurement organization'' based on its usage in § 69.15. We propose defining the new term ''tonnage threshold'' based on common industry usage.

We propose revising the definitions of the terms ''Convention Measurement System,'' ''Dual Measurement System,'' ''Simplified Measurement System,'' and ''Standard Measurement System'' to provide a more detailed description of each system, and to include the word ''Regulatory'' for clarity. We propose revising the definition of ''Commandant'' to update the mailing address for the Marine Safety Center. We propose revising the definition of the term ''National Vessel Documentation Center'' to remove unnecessary reference to the organization's address. We propose revising the definition of the term ''overall length'' to include reference to the vessel's hull, consistent with the length definition of 46 U.S.C. 14522 and corresponding definitions in MTN 01–99, as amended. We propose revising the definition of the term ''tonnage'' to provide a more comprehensive and accurate description of this volumetric parameter.

We propose changing the term ''vessel engaged on a foreign voyage'' to ''vessel that engages on a foreign voyage'' consistent with language established by Section 303(c) of the 2010 Coast Guard Authorization Act. We propose deleting the definitions for ''gross tonnage'' and ''net tonnage'' and relocating relevant information to the definition of ''tonnage'' to help avoid confusion over the use of these terms in the context of tonnage assignments under the Convention Measurement System.

§ 69.11 Determining the measurement system or systems for a particular vessel.

We propose amending this section to align with Sections 303(c) and (f) of the 2010 Coast Guard Authorization Act. These amendments provide for identical tonnage measurement treatment of documented and undocumented U.S. flag vessels and preclude foreign flag vessels greater than 79 feet in length from being measured under the Regulatory Measurement System. This proposed change is not retroactive. We also propose relocating the language addressing how tonnage thresholds are applied to the newly proposed § 69.20.

§ 69.13 Applying the provisions of a measurement system.

We propose amending this section to require Coast Guard interpretations be observed when vessels are measured, consistent with existing written agreements between the measurement organizations and the Coast Guard and requirements of MTN 01–99, ''Tonnage Technical Policy,'' and MTN 01–98, ''Tonnage Administrative Policy,'' as amended. We also propose amendments to identify that Coast Guard interpretations are published by, and may be obtained from, the Coast Guard Marine Safety Center, in order to facilitate access to interpretive documents such as MTN 01–98 and 01–99, as amended. Additionally, we propose amendments that would allow grandfathering of superseded tonnage measurement rules under this part. These amendments are based on similar grandfathering provisions for interpretations of the tonnage measurement rules in MTN 01–99, as amended, except that grandfathering is not extended to an identical sister vessel, consistent with grandfathering approaches used in applying other marine safety regulations. The grandfathering provisions take into account the effective date of the regulation and the contract date for construction of, or modification to, the vessel. These provisions allow for grandfathering of previous interpretations only if the codified conditions for grandfathering are met.

§ 69.15 Authorized measurement organizations.

We propose amending this section for consistency with the proposed changes in § 69.11, which would establish new nomenclature for each measurement system. Additionally, we propose changes to this section to establish consistent terminology regarding the Coast Guard measurement of vessels of war and vessels of any type being measured under the Simplified Regulatory Measurement System. We also propose changes to delete reference to obtaining application forms from the National Vessel Documentation Center, consistent with the proposed changes in § 69.205 regarding measurement of undocumented vessels.

§ 69.17 Application for measurement services.

We propose amending this section to state specifically that a vessel owner is responsible for applying for vessel measurement or remeasurement. We also propose omitting reference to boiler installation as indicative of the stage of vessel construction, because of the decreasing use of steam as a means of propulsion.

§ 69.19 Remeasurement and adjustment of tonnage.

We propose amending this section to clarify that remeasurement may be optionally performed to reflect the latest measurement rules, or may be required as a result of a change in the use of spaces or vessel service, for example, as might occur if a water ballast justification approval was in effect under § 69.117(f)(4). This latter requirement is consistent with current practice as guided by NVIC 11–93 CH–2, MTN 01–98 CH 3 and MTN 01–98 CH 9. In addition, we propose a change to delete an outdated and unnecessary reference to the documentation regulations.

§ 69.20 Applying tonnage thresholds.

We propose adding this new section to provide comprehensive requirements within the tonnage measurement regulations on how tonnage thresholds in international agreements and Federal statutes and regulations are to be applied, including alternate tonnage thresholds. These requirements are based on provisions of the tonnage measurement law and the Convention, and are consistent with the interpretations of NVIC 11–93, as amended. We intend for this section, along with accompanying definitions proposed for § 69.9, to help provide a suitable framework for development of future tonnage-based regulations, allowing tonnage thresholds to be specified in an unambiguous manner.

§ 69.25 Penalties.

We propose amending this section to reflect implementation of the Federal Civil Penalties Inflation Adjustment Act, as amended, which increased the civil penalty amounts for a general violation and a false statement to $30,000 (74 FR 68150 dated December 23, 2009).

§ 69.27 Delegation of authority to measure vessels.

We propose amending this section to delete an outdated reference to 49 CFR 1.46 and to make this section consistent with the measurement system nomenclature established in § 69.11.

§ 69.28 Acceptance of measurement by a foreign country.

We propose adding this new section to implement the provisions of Section 303(i) of the 2010 Coast Guard Authorization Act for accepting tonnage assignments for foreign flag vessels measured under laws and regulations similar to those in 46 U.S.C. 14501. This section would also incorporate the provisions of the tonnage measurement law as amended in 1986 for acceptance of tonnage assignments for foreign flag vessels measured under laws similar to those in 46 U.S.C. 14306.

Subpart B—Convention Measurement System

§ 69.53 Definitions.

We propose defining the new term ''boundary bulkhead'' based on the definition in MTN 01–99, as amended. We also propose deletion of the terms ''gross tonnage'' and ''net tonnage'' from this section for the reasons described in the discussion of the proposed amendments to § 69.9.

§ 69.55 Application for measurement services.

We propose amending this section to specify ''delivery date'' instead of the less-specific ''build date.''

§ 69.57 Gross tonnage ITC.

We propose to amend this section to reflect new terminology proposed in § 69.9, which describes tonnage measured under the Convention as gross tonnage ITC (GT ITC).

§ 69.59 Enclosed spaces.

We propose to amend this section to incorporate the concept of temporary deck equipment—now generalized to ''portable enclosed space''—found in NVIC 11–93, as amended, which states that ''any enclosed space of a semi-permanent nature located on the weather decks of a vessel and which cannot be considered as deck cargo'' should be considered enclosed volume to be included in tonnage.

§ 69.61 Excluded spaces.

We propose incorporating interpretations from MTN 01–99, as amended, providing for treatment of a qualifying space ''open to the sea'' and below the upper deck as an excluded space.

§ 69.63 Net tonnage ITC.

We propose revising this section to reflect new terminology proposed in § 69.9, which describes tonnage measured under the Convention as GT ITC and net tonnage ITC (NT ITC).

§ 69.65 Calculation of volumes.

We propose revising this section to delete the reference to specific volume calculation methods, including Simpson's first rule of integration, because these methods can yield inaccurate results if misapplied. Also, we propose revising this section to delete the discussion regarding cargo space insulation as this is addressed elsewhere in Subpart B.

§ 69.69 Tonnage Certificates.

We propose expanding the text of this section to more completely reflect the requirements of the Convention. Specifically, we propose adding language to preclude a vessel undergoing an alteration resulting in a decrease in net tonnage as measured under the Convention from being reissued a new International Tonnage Certificate (ITC (1969)) reflecting the lower net tonnage within 12 months following the date of the original measurement and allowing a 3-month grace period after flag transfer. We also propose expanding the text to reflect tonnage certificate practices established in MTN 01–98, as amended, and Section 303(e) of the 2010 Coast Guard Authorization Act. Specifically, we propose to add language requiring the measurement organization to issue a U.S. Tonnage Certificate as evidence of measurement under the Convention Measurement System if an ITC (1969) is not issued, and clarifying that the ITC (1969) is delivered to the owner or master of the vessel.

§ 69.71 Change of net tonnage.

We propose replacing ''Coast Guard'' with ''Commandant'' to identify the specific Coast Guard office which determines the magnitude of an alteration of a major character.

§ 69.73 Treatment of unique or otherwise novel type vessels.

We propose revising the title of this section to make it explicit that it addresses ''novel'' vessel types, and to clarify that submission of plans and sketches is not required in all cases.

§ 69.75 Figures.

We propose updating the existing figures to resolve minor labeling inconsistencies, and for visual clarity.

Subpart C—Standard Regulatory Measurement System

§ 69.101 Purpose.

We propose amending this section to reflect the newly proposed title of Subpart C.

§ 69.103 Definitions.

We propose amending this section to reflect new terms and concepts introduced in Subpart C of this rule.

We propose adding ''line of the normal frames'' to describe the imaginary horizontal line that connects the inboard faces of the smallest normal frames. We propose adding ''tonnage station'' to describe the longitudinal location of each transverse section corresponding to where depth and

breadth measurements are taken. We propose adding ''zone of influence method'' to describe a method of determining volumes of under-deck spaces. We propose amending the terms ''gross tonnage'' and ''net tonnage'' to read ''gross register tonnage'' and ''net register tonnage'' to reflect newly proposed terminology in § 69.9 (''gross register tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Standard system. We propose amending the term ''superstructure'' to reflect the newly proposed term ''portable enclosed spaces.'' We propose amending the term ''uppermost complete deck'' to reflect that specific requirements have been established in the newly proposed § 69.108.

We also propose incorporating Standard system terms published in MTN 01–99, as amended. These terms include: ''line of the ordinary frames,'' ''normal frame,'' ''ordinary frame,'' ''tonnage interval,'' and ''water ballast double bottom.'' We propose adding ''line of the ordinary frames'' to describe the line of intersection of: 1) The imaginary surface running longitudinally that is tangent to the inboard faces of the ordinary frames (or the inside of the vessel's skin, if there are no ordinary frames); and 2) the imaginary plane running transversely through the vessel at the tonnage station of interest. We propose adding ''normal frame'' to describe a frame, regardless of size, used to stiffen a structure, ''ordinary frame'' to describe the primary frames used for strengthening the hull, and ''tonnage interval'' to describe the longitudinal distance between transverse sections of a vessel's under-deck or superstructure when divided into an even number of equal parts for purposes of volume integration. We propose adding ''water ballast double bottom'' to describe a space at the bottom of a vessel between the inner and outer bottom plating that is used solely for water ballast.

§ 69.105 Application for measurement services.

We propose amending this section to be consistent with the proposed amendments to § 69.55, which specify ''delivery date'' instead of the less specific ''build date.''

§ 69.107 Gross and net register tonnages.

We propose revising the text of this section to reflect newly proposed terminology in § 69.9 (''gross register tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Standard system. We also propose adding language to reflect that the U.S. Tonnage Certificate issued under § 69.15(d) indicates measurement for both the Convention and Regulatory Measurement Systems, as applicable, and need not be carried aboard, consistent with Section 303(e) of the 2010 Coast Guard Authorization Act and MTN 01–98, as amended.

§ 69.108 Uppermost complete deck.

We propose this new section to incorporate comprehensive requirements related to the ''uppermost complete deck'' as interpreted by MTN 01–99, as amended. We propose to restrict the uppermost deck from extending above any space exempted as open space, extending below the waterline, or resting directly on consecutive or alternating ordinary bottom frames or floors for over half of the tonnage length. Further, we propose to identify deck discontinuities whose presence would disqualify a deck as being the uppermost complete deck, such as certain through-deck openings, middle line openings, deck recesses, and notches.

§ 69.109 Under-deck tonnage.

We propose revising the text of this section to incorporate the following clarifications and principal interpretations of MTN 01–99, as amended.

Identifying the tonnage deck. We propose describing the decks in § 69.109(c) as ''enumerated'' decks to clarify that a disqualified deck cannot be considered when determining the tonnage deck.

Enumerating the decks to identify the second deck from the keel. We propose revising § 69.109(d) to clarify how enumerated decks are determined using the term ''uppermost complete deck'' as proposed in this rulemaking. Our intent with this revision is to provide details on specific deck discontinuities that may disqualify a deck from being enumerated.

Identifying the line of the tonnage deck. We propose amending § 69.109(e)(2) to delete the phrase ''at different levels from stem to stern'' and replace it with ''is stepped'' to utilize a more commonly used term for a deck with multiple heights. We also propose amending § 69.109(e)(2) to institute minimum breadth and length criteria for steps used in establishing the line of the tonnage deck.

Tonnage length. We propose modifying § 69.109(f)(1) and (2) to reflect that the frames evaluated in determining the tonnage length should be the ''ordinary frames.'' Also, we propose deleting the sentence ''When a headblock extends inboard past the face of the end side frames or when the headblock plates are excessive in length, the tonnage length terminates at the extreme end of the vessel less a distance equal to the thickness of an ordinary side frame and shell plating.'' in paragraph (f)(2). This sentence becomes unnecessary as the proposed changes to paragraphs (f)(1) and (2) require that ordinary frames determine the tonnage length and not the headblock. We propose to further revise the tonnage length language of paragraph (f) by adding paragraph (f)(4), which provides for a maximum reduction in tonnage length of 8½ feet from the inboard surface of the skin of the hull at the bow and stern, and requires the after terminus of the tonnage length to be aft of the rudderstock for vessels fitted with one.

Division of vessel into transverse sections. With the establishment of the proposed term ''tonnage station,'' we propose amending § 69.109(g)(2) to reflect that the vessel should be divided into sequentially numbered ''tonnage stations'' beginning at the stem.

Depths of transverse sections. We propose amending § 69.109(h) by replacing the terms ''double bottom'' and ''cellular double bottom'' with ''water ballast double bottom'' to reflect that depths of transverse sections are measured to only those double bottoms used solely for ballast.

Breadths of transverse sections. We propose amending § 69.109(i) by replacing the terms ''double bottom'' and ''cellular double bottom'' with ''water ballast double bottom'' to reflect that depths of transverse sections are measured only to those double bottoms used solely for ballast.

Steps in double bottom. We propose amending § 69.109(m) by replacing the term ''double bottom'' with ''water ballast double bottom'' to reflect that measurement in parts only applies only to those vessels fitted with double bottoms used solely for ballast.

Spaces open to the sea. We propose revising § 69.109(n) to delete the existing language regarding outside shaft tunnel exclusions and to insert new language regarding spaces open to the sea. We propose deleting language on outside shaft tunnel exclusions because outside shaft tunnels are no longer commonly used in vessel construction, and because the approach of subtracting out external volumes yields inconsistent results depending on the depths of associated ordinary frames. We propose the new language on spaces open to the sea to provide direction on the measurement treatment

of any under-deck space that has been determined to be open to the sea.

Open vessels. We propose amending § 69.109(o) to incorporate the term ''uppermost complete deck.'' Our intent here is to simplify the definition of an open vessel with the use of this term.

General requirements on ordinary frames. We propose adding § 69.109(p) to provide requirements on the measurement treatment of ordinary frames in the under-deck, including construction, frame spacing, different sized frames, frame openings, and asymmetrical framing. The use of deep ordinary frames to reduce the sectional area of under-deck tonnage section, informally known as ''deep framing,'' has become common in vessel construction, and clarity on this matter is important to ensure tonnage assignments consistent with the principles of the underlying statute.

§ 69.111 Between-deck tonnage.

In § 69.111(b)(2), we propose deleting the phrase ''at different levels from stem to stern'' and replacing it with the more commonly used phrase ''is stepped'' as proposed in § 69.109. We also propose incorporating the interpretations of MTN 01–99, as amended, to codify a minimum size of a longitudinal step being used as the basis for establishing the line of the uppermost complete deck. We propose amending § 69.111(c) to replace the phrase ''face of the normal side frames'' with the phrase ''line of the normal frames'' as proposed in § 69.103.

§ 69.113 Superstructure tonnage.

We propose revising this section to incorporate the concept of temporary deck equipment—now generalized to ''portable enclosed space''—as enclosed volume to be included in tonnage, from NVIC 11–93, as amended. We also propose amending § 69.113(b)(1), (b)(3), and (f) to clarify that measurements are to be taken to the newly proposed term ''line of the normal frames.'' Lastly, we propose amending § 69.113(a) to define superstructure tonnage as the tonnage of all superstructure spaces.

§ 69.115 Excess hatchway tonnage.

We propose revising § 69.115(c) to reflect newly proposed terminology in § 69.9 (''tonnage'' and ''gross register tonnage'') used to describe tonnages determined under the Standard system.

§ 69.117 Spaces exempt from inclusion in gross tonnage.

We propose revising § 69.117 for clarity and consistency with newly proposed terminology in § 69.9 (''tonnage'' and ''gross register tonnage'') used to describe tonnages determined under the Standard system. Additionally, we propose revising the text of this section to incorporate the following principal interpretations of MTN 01–99, as amended.

Passenger space. We propose amending the definition of passenger space to preclude passenger support spaces and spaces used by both passengers and crew from being exempted as a passenger space. Moreover, the proposed amendments include the minimum height above the uppermost complete deck for exemptible passenger spaces. The proposed amendments also remove the prohibition of exempting a passenger space as an open space when it has berthing accommodations.

Open structures. We propose revising § 69.117(d) to incorporate additional requirements derived from the interpretations of MTN 01–99, as amended, for the treatment of structures considered open to the weather. We propose amending § 69.117(d)(1) to provide additional requirements for open structure exemptions. The amendments address open space exemptions for structures, prohibiting the progression of open space vertically between structures, and allowing a space outside a structure's boundary bulkhead to be considered open to the weather if it is eligible to be treated as an excluded space under § 69.61.

We propose amending § 69.117(d)(2) to provide additional criteria for bulkheads in open structures. The additional criteria include: Precluding an end bulkhead from having a permanent obstruction within 2½ feet of an opening, requiring it to be fitted with a deck or platform that is a minimum of 2½ feet wide, and requiring circulation of open space between compartments via openings or series of openings to progress open space to two separate interior compartments.

We propose amending § 69.117(d)(3) to provide additional requirements for considering interior compartments to be open to the weather. These requirements would preclude open space from progressing from a space that is considered open under proposed § 69.117(d)(1)(iii) unless the space may also be considered open to the weather under another provision of § 69.117.

We propose revising paragraphs (d)(5) and (d)(6) of § 69.117 to reflect that cover plates must be fitted against the weather side of a bulkhead in order for an opening that is temporarily closed by cover plates to be considered open to the weather.

We propose revising § 69.117(d)(7) to insert the phrase ''notwithstanding the opening size requirements of paragraph (d)(2) of this section'' in the beginning of the first sentence. Our intent with this revision is to emphasize that an opening considered open to the weather under § 69.117(d)(7) need not also meet the size requirements of § 69.117(d)(2). To incorporate the concept of opposite side openings, we propose adding § 69.117(d)(8). This concept is intended to allow structures to be considered open if both sides have openings that are not separated by a bulkhead and the openings meet certain size criteria.

Open space below a shelter deck. We propose amending § 69.117(e) to reflect newly proposed terminology in § 69.9 (''tonnage'' and ''gross register tonnage'') used to describe tonnages determined under the Standard system and to replace the phrase ''next lower deck'' with the phrase ''uppermost complete deck'' for clarity. In addition, to prevent closure of a middle line opening used to exempt space below a shelter deck, we propose adding language precluding battening, caulking, seals, or gaskets of any material from being used in association with a middle line opening cover.

Water ballast spaces. We propose amending § 69.117(f) to reflect newly proposed terminology in § 69.9 (''tonnage'' and ''gross register tonnage'') used to describe tonnages determined under the Standard system. We also propose deleting § 69.117(f)(4)(iii) because it is no longer necessary to use a form similar to Coast Guard Stability Test Form CG–993–9 to provide the required ballast water justification calculations. This form, given as an example in the current regulations, is no longer an active stability test form, and current stability software programs are capable of providing comprehensive calculations in a variety of acceptable formats.

Zones of influence. We propose amending § 69.117(g) to incorporate the interpretation of MTN 01–99, as amended, requiring the use of the zone of influence method for calculating water ballast tank volumes under certain circumstances. This method corrects for the influence that a four multiplier has when applying Simpson's first rule to geometries that exhibit abrupt sectional area changes. Applying this rule absent such a correction may result in an exempted volume in a deep-framed portion of the hull that exceeds the volume of the space included in tonnage.

§ 69.119 Spaces deducted from gross register tonnage.

We propose revising § 69.119 to reflect newly proposed terminology in § 69.9 (''tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Standard system.

§ 69.121 Engine Room Deduction.

We propose revising § 69.121 to reflect newly proposed terminology in § 69.9 (''gross register tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Standard system.

§ 69.123 Figures.

We propose updating the existing figures to resolve minor labeling inconsistencies, and for visual clarity.

Subpart D—Regulatory Measurement System—Dual Measurement

§ 69.151 Purpose.

We propose revising § 69.151 to reflect newly proposed terminology in § 69.9 (''tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Standard system.

§ 69.153 Application of other laws.

We propose revising the text of this section to reflect newly proposed terminology in § 69.9 (''gross register tonnage'') used to describe tonnages determined under the Dual system.

§ 69.155 Measurement requirements.

We propose revising the text of this section to delete references to the ''Standard Measurement System'' and ''Dual Measurement System'', leaving only references to their respective subparts. This change is needed to avoid a conflict with proposed revised terminology in § 69.9 for related terms (''Standard Regulatory Measurement System'' and ''Dual Regulatory Measurement System'').

§ 69.157 Definitions.

We propose revising § 69.157 to reflect newly proposed terminology in § 69.9 (''tonnage'' and ''gross register tonnage'') used to describe tonnages determined under the Dual system.

§ 69.159 Application for measurement services.

We propose revising the text of this section to delete the reference to the ''Standard Measurement System'', leaving only the reference to a specific section in subpart C. This change is needed to avoid a conflict with proposed revised terminology in § 69.9 for the related term (''Standard Regulatory Measurement System'').

§ 69.161 Gross and net register tonnages.

We propose revising the text of this section to reflect newly proposed terminology in § 69.9 (''gross register tonnage'' and ''net register tonnage'') used to describe tonnages measured under the Dual system. We also propose adding language to reflect that the U.S. Tonnage Certificate issued under § 69.15(d) indicates measurement for both the Convention and Regulatory Measurement Systems, as applicable, and need not be carried aboard, consistent with Section 303(e) of the 2010 Coast Guard Authorization Act and MTN 01–98, as amended.

§ 69.163 Under-deck tonnage.

We propose revising the text of this section to delete the reference to the ''Dual Measurement System'', leaving only a reference to a subpart. This change is needed to avoid a conflict with proposed revised terminology in § 69.9 for the related term (''Dual Regulatory Measurement System'').

§ 69.165 Between-deck tonnage.

We propose revising the text of this section to delete the reference to the ''Dual Measurement System'', leaving only a reference to a subpart. This change is needed to avoid a conflict with proposed revised terminology in § 69.9 for the related term (''Dual Regulatory Measurement System'').

§ 69.167 Superstructure tonnage.

We propose revising the text of this section to delete the reference to the ''Dual Measurement System'', leaving only a reference to a subpart. This change is needed to avoid a conflict with proposed revised terminology in § 69.9 for the related term (''Dual Regulatory Measurement System'').

§ 69.169 Spaces exempt from inclusion in tonnage.

We propose revising the text of this section to delete the word ''gross'', consistent with the proposed revised terminology in § 69.9 (''tonnage'').

§ 69.173 Tonnage assignments for vessels with only one deck.

We propose revising § 69.173 to reflect newly proposed terminology in § 69.9 (''gross register tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Dual system.

§ 69.175 Tonnage assignments for vessels with a second deck.

We propose revising § 69.175 to reflect newly proposed terminology in § 69.9 (''gross register tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Dual system. Additionally, we propose revising § 69.175 by incorporating language from MTN 01–99, as amended, into paragraph (a) to clarify which gross and net tonnage should be used when more than one gross and one net register tonnage is assigned, and into paragraph (c) by requiring a load line to be assigned at a level below the line of the second deck.

§ 69.177 Markings.

We propose revising § 69.177 to reflect newly proposed terminology in § 69.9 (''gross register tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Dual system. Additionally, we propose revising paragraph § 69.177(d) to add the MTN 01–99, as amended, exception which allows the line of the second deck to be marked on the side of the vessel if the second deck is the actual freeboard deck for purposes of load line assignment.

§ 69.181 Locating the line of the second deck.

We propose updating the existing examples for visual clarity.

§ 69.183 Figures.

We propose updating the existing figures to resolve minor labeling inconsistencies, and for visual clarity.

Subpart E—Simplified Regulatory Measurement System

§ 69.201 Purpose.

We propose amending this section to reflect the newly proposed title of Subpart E.

§ 69.205 Application for measurement services.

We propose amending this section to address vessels measured under the Simplified system that are not documented as vessels of the United States. The proposed text clarifies that a completed application for simplified measurement serves as evidence of measurement under the Simplified system. As accepted under current Coast Guard practice, vessel owners would not have to submit this application to the Coast Guard. For consistency with §§ 69.55 and 69.105, we also propose amending this section to list the vessel information currently required to be provided by the owner when completing the Application for Simplified Measurement (form CG–5397). We propose deleting reference to a specific section of the Builders Certificate and First Transfer of Title (form CG–1261). This would enable

form CG–1261 to be changed without causing a need to revise the tonnage regulations.

§ 69.207 Measurements.

We propose relaxing the tolerance on measurements consistent with current practice and the instructions on the Application for Simplified Measurement (form CG–5397).

§ 69.209 Gross and net register tonnages.

We propose revising § 69.209 to reflect newly proposed terminology in § 69.9 (''gross register tonnage'' and ''net register tonnage'') used to describe tonnages determined under the Standard system. Additionally, we propose revising this section to identify that a vessel's Certificate of Documentation serves as evidence of measurement under the Simplified system, as described in NVIC 11–93, as amended.

§ 69.211 Treatment of unique or otherwise novel type vessels.

We propose adding this section to provide the public with the Coast Guard office to contact for questions on a vessel for which the simplified measurement rules may not readily be applied.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed 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 that Order. The Office of Management and Budget (OMB) has not reviewed it under that Order. Nonetheless, we developed an analysis of the costs and benefits of the proposed rule to ascertain its probable impacts on industry. We consider all estimates and analysis in this Regulatory Analysis to be draft and subject to change in consideration of public comments.

A draft Regulatory Assessment follows:

The primary objective of the proposed rule is to implement amendments to the tonnage measurement law made by the 2010 Coast Guard Authorization Act. One amendment precludes the owner of a foreign flag vessel of 79 feet or more in length that engages solely on U.S. domestic voyages from obtaining a future measurement under the Regulatory Measurement System, with an exception allowed for a Canadian flag vessel operating solely on the Great Lakes. The remaining amendments eliminate inconsistencies and incorporate clarifications or updates that are either consistent with longstanding Coast Guard policy or reflective of current Coast Guard practice.

In addition, the Coast Guard seeks to facilitate understanding of, and compliance with, existing tonnage measurement regulations by codifying principal technical interpretations that have been issued by the Coast Guard to keep pace with developments in vessel designs. These interpretations have been included in Coast Guard policy documents made available to the public via Coast Guard Web sites, and are used by authorized measurement organizations that perform tonnage work on the Coast Guard's behalf. These codifications have been described in the section ''Discussion of Proposed Rule''.

To meet these objectives, the proposed rule would update the tonnage regulations to reflect changes mandated by the 2010 Coast Guard Authorization Act and codify principal interpretations from Coast Guard policy documents. The proposed rule would also incorporate clarifications of, and updates to, the tonnage regulations that are of an administrative and non-substantive nature.

Table 1 provides a summary of the proposed rule's costs and benefits.

TABLE 1—SUMMARY OF THE PROPOSED RULE'S IMPACTS

Category	Summary
Applicability	U.S. and foreign flag vessels to which a law of the United States applies based on vessel tonnage.
Affected Population	Vessels that will be initially measured or remeasured under the tonnage regulations, estimated at 10,000 vessels per year.
Cost Impacts	No additional costs as changes are consistent with current practice or policy.
Non-quantified Benefits	Adds flexibility to use foreign flag tonnages. Clarifies tonnage measurement requirements. Facilitates understanding of regulations, leading to more effective and efficient tonnage certifications.

Affected Population

The tonnage regulations, as amended by the proposed rule, apply to all U.S. and foreign flag vessels to which the application of a law of the United States depends on the vessel's tonnage. Once assigned initially, tonnages remain valid until a vessel changes flag, or undergoes a change that substantially affects its tonnage.

Because none of the proposed changes are retroactive, the population potentially affected by this rulemaking is limited to vessels which will be measured in the future, including those remeasured following alterations, modifications, or other changes substantially affecting their tonnage. The Coast Guard estimates this population to be approximately 10,000 vessels each year, based on the 8,615 simplified measurement applications and 386 formal measurement applications submitted annually, and our estimate of approximately 1,000 additional vessels that are measured annually without the submission of a measurement application.[1]

[1] Refer to Collection of Information 1625–0022 for more comprehensive information on measurement application submissions. The Coast Guard does not

Continued

Cost Impacts

Table 2 details 112 changes to the tonnage regulations in the proposed rule, with an assessment of the cost impacts of each change. A summary follows:

• The single change to implement the statutory amendment that would preclude certain foreign flag vessels of 79 ft or more in length from being measured under the Regulatory Measurement System could potentially prevent operation of a future vessel in a similar manner to that of currently operating vessels. No such vessels have been brought into service within the last 10 years. Further, other options to operate similar vessels (e.g., under U.S. flag) are available. Thus, no cost impact from this proposed change is expected.

• The six remaining changes needed for statutory alignment are consistent with current Coast Guard interpretations or industry practice, and would not result in any additional cost as described in the following table.

• The 26 changes related to codification of principal Coast Guard technical interpretations would result in no additional cost, because the interpretations have been used for tonnage work for multiple years.

• The 79 changes labeled ''Administrative'' are of non-substantive nature and merely provide clarity and would not result in any additional cost.

Overall, the Coast Guard has not identified any costs associated with complying with the proposed rule.

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE PROPOSED RULE

Description of change	Type of change	Cost impact
Subpart A—General		
§ 69.1 Purpose		
Eliminates the disparate treatment of documented and undocumented U.S. flag vessels.	Mandatory statutory alignment	No cost. Consistent with policy in effect since 1993 (NVIC 11–93).
Expands the explanation of the use of tonnage to include environmental and security purposes.	Administrative: Clarification on tonnage usage.	No cost.
Relocates the descriptions of each measurement system to the corresponding definitions in § 69.9.	Administrative: Editorial change to improve usability.	No cost.
§ 69.3 Applicability		
Expands the scope to apply to foreign flag vessels	Mandatory statutory alignment	No cost. Consistent with Coast Guard practice since the 1986 amendments to the tonnage law.
Removes the 5 net ton minimum size restriction	Administrative: Clarification that statutory requirements for measurement apply to vessels of all sizes.	No cost. Consistent with policy in effect since 1993 (NVIC 11–93).
§ 69.5 Vessels required or eligible to be measured		
Deletes section to align with proposed revised § 69.3	Administrative: Editorial realignment.	No cost.
§ 69.7 Vessels transiting the Panama and Suez Canals		
Deletes requirement for vessels transiting the Panama and Suez Canals to be measured under the respective Panama and Suez Canal measurement systems.	Administrative: Update to reflect lack of Coast Guard responsibility for canal measurements, consistent with statutory changes.	No cost.
§ 69.9 Definitions		
Adds definitions for tonnage measurement terms	Administrative: New definitions	No cost.
Revises definitions for tonnage measurement terms	Administrative: Clarifications and updates.	No cost.
Changes term ''vessel engaged on a foreign voyage''	Mandatory statutory alignment	No cost. Consistent with current practice.
§ 69.11 Determining the measurement system or systems for a particular vessel		
Eliminates the disparate treatment of documented and undocumented U.S. flag vessels.	Mandatory statutory alignment	No cost. Consistent with policy in effect since 1993 (NVIC 11–93).
Precludes certain foreign flag vessels of 79 ft or more in length from being measured under the Regulatory Measurement System.	Mandatory statutory alignment	No cost. Not retroactive. No such foreign vessels have been brought into service using the regulatory measurement system in recent years.

collect information on measurement of vessels for which measurement applications are not submitted, but estimates that on the order of 1,000 such vessels are measured per year based on the number of inquiries received by the Marine Safety Center from the public and Coast Guard field units.

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE PROPOSED RULE—Continued

Description of change	Type of change	Cost impact
Relocates "how tonnage thresholds are applied" language to proposed § 69.20.	Administrative: Editorial change	No cost.
§ 69.13 Deviating from the provisions of a measurement system		
Requires authorized measurement organizations to observe Coast Guard's interpretations of tonnage laws and regulations.	Administrative: Clarifies extent of measurement organization authority.	No cost. Consistent with written agreements with measurement organizations, and policy in effect since 1998 (see MTN 01–98 and MTN 01–99).
Identifies that Coast Guard interpretations may be obtained from the Marine Safety Center.	Administrative: Facilitates public access to interpretive documents.	No cost.
Allows grandfathering of superseded tonnage measurement rules	Administrative: Facilitates transition to codified interpretations.	No cost. Precludes mandatory retroactive application of codified interpretations.
§ 69.15 Authorized measurement organizations		
Establishes new nomenclature consistent with proposed revisions to § 69.9 and § 69.11.	Administrative: Editorial change	No cost.
Deletes information that is repeated in the regulations or is available elsewhere.	Administrative: Editorial change	No cost.
§ 69.17 Application for measurement services		
Identifies that the vessel owner is responsible to apply for vessel measurement or remeasurement.	Administrative: Clarification consistent with existing practice.	No cost.
Omits reference to boiler installation as indicator of stage of vessel construction.	Administrative: Update to reflect decreasing use of steam propulsion.	No cost.
§ 69.19 Remeasurement and adjustment of tonnage		
Clarifies circumstances under which a vessel must undergo remeasurement.	Administrative: Clarification	No cost.
§ 69.20 Applying tonnage thresholds		
Provides comprehensive requirements on how tonnage thresholds are to be applied.	Administrative: Facilitates public understanding of longstanding statutory requirements.	No cost. Consistent with the tonnage measurement law and policy in effect since 1993 (See NVIC 11–93).
§ 69.25 Penalties		
Updates civil penalty amounts as per the Federal Civil Penalties Inflation Adjustment Act.	Administrative: Update	No cost.
§ 69.27 Delegation of authority to measure vessels		
Revises section to reflect the proposed nomenclature in § 69.11	Administrative: Editorial change	No cost.
Deletes outdated reference to 49 CFR 1.46	Administrative: Update	No cost.
§ 69.28 Acceptance of measurement by a foreign country		
Adds provisions for accepting tonnage assignments for certain foreign flag vessels.	Mandatory statutory alignment	No cost. Provides flexibility to use foreign flag tonnages
Subpart B—Convention Measurement System		
§ 69.53 Definitions		
Adds definition for tonnage measurement term	Administrative: New definitions	No cost.
Revises tonnage measurement terms consistent with proposed revisions to § 69.9.	Administrative: Editorial change	No cost.
§ 69.55 Application for measurement services		
Requires the "delivery date" to be specified on a tonnage application instead of the less specific "build date".	Administrative: Clarification	No cost.

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE PROPOSED RULE—Continued

Description of change	Type of change	Cost impact
§ 69.57 Gross tonnage ITC		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Clarification	No cost.
§ 69.59 Enclosed spaces		
Incorporates interpretations on treatment of portable spaces	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 1999 (NVIC 11–93 CH–2 and MTN 01–99).
§ 69.61 Excluded spaces		
Incorporates interpretations on treatment of qualifying spaces as excluded spaces ''open to the sea''.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 1999 (MTN 01–99).
§ 69.63 Net tonnage ITC		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Clarification	No cost.
§ 69.65 Calculation of volumes		
Removes language addressing specific calculation methods to ensure that accepted naval architecture practices are used in all cases.	Administrative: Clarification	No cost. Reflects increased use of computer-based computational methods
§ 69.69 Tonnage certificates		
Incorporates more complete requirements from the 1969 Tonnage Convention for reissuance of an International Tonnage Certificate (1969) under certain circumstances, including the 3-month grace period following flag transfer.	Administrative: Clarification	No cost.
Requires issuance of a U.S. Tonnage Certificate as evidence of measurement under the Convention Measurement System under certain circumstances, and that the International Tonnage Certificate (1969) is delivered to the vessel's owner or master.	Mandatory statutory alignment	No cost. Consistent with policy in effect since 1998 (MTN 01–98).
§ 69.71 Change of net tonnage		
Clarifies that Commandant determines the magnitude of alterations of a major character.	Administrative: Clarification	No cost.
§ 69.73 Treatment of unique or otherwise novel type vessels		
Revises section title and clarifies that submission of plans and sketches is not required in all cases.	Administrative: Clarification	No cost.
§ 69.75 Figures		
Updates the existing figures to resolve minor labeling inconsistencies, and for visual clarity.	Administrative: Clarifications and updates.	No cost.
Subpart C—Standard Regulatory Measurement System		
§ 69.101 Purpose		
Reflects proposed revised title of Subpart C	Administrative: Clarification	No cost.
§ 69.103 Definitions		
Adds definitions for tonnage measurement terms	Administrative: New definitions	No cost.
Revises definitions for tonnage measurement terms	Administrative: Clarifications and updates.	No cost.
§ 69.105 Application for measurement services		
Requires the ''delivery date'' to be specified on a tonnage application instead of the less specific ''build date''.	Administrative: Clarification	No cost.
§ 69.107 Gross and net register tonnages		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Clarification	No cost.

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE PROPOSED RULE—Continued

Description of change	Type of change	Cost impact
Clarifies that the U.S. Tonnage Certificate reflects measurement for the Convention and Regulatory Measurement Systems, as applicable, and need not be carried aboard.	Administrative: Clarification	No cost.
§ 69.108 Uppermost complete deck		
Establishes comprehensive requirements related to the ''uppermost complete deck''.	Codification: Principal interpretations from policy document.	No cost. Interpretations in effect since 2003 (MTN 01–99 CH–5).
§ 69.109 Under-deck tonnage		
Clarifies that enumerated decks are used to determine the tonnage deck.	Administrative: Clarification	No cost.
Establishes how to determine enumerated decks	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2003 (MTN 01–99 CH–5).
Replaces the phrase ''at different levels from stem to stern'' with the more commonly used term ''stepped''.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2005 (MTN 01–99 CH–7).
Establishes minimum breadth and length criteria for steps used in establishing the line of the tonnage deck.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2005 (MTN 01–99 CH–7).
Reflects that the frames evaluated in determining the tonnage length should be ''ordinary frames''.	Administrative: Clarification	No cost.
Deletes the sentence ''when a headblock extendsthickness of an ordinary side frame and shell plating''.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2003 (MTN 01–99 CH–5).
Provides for a maximum reduction in the tonnage length of 8½ feet	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2003 (MTN 01–99 CH–5).
Requires that the under-deck sections, referred to as ''tonnage stations,'' be sequentially numbered.	Administrative: Clarification	No cost.
Replaces the terms ''double bottom'' and 'cellular double bottom'' with ''water ballast double bottom''.	Administrative: Clarification	No cost.
Deletes the existing language regarding outside shaft tunnel exclusions and inserts new ''open to the sea'' language.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2005 (MTN 01–99 CH–7).
Incorporates the term ''uppermost complete deck''	Administrative: Clarification	No cost.
Provides requirements on the measurement treatment of ordinary frames in the under-deck, including construction, frame spacing, different sized frames, frame openings, and asymmetrical framing.	Codification: Principal interpretations from policy document.	No cost. Interpretations on different sized framing in effect since in effect since 1950 (Treasury Decision 52578). Other interpretations in effect since 2002 (MTN 01–99 CH–4).
§ 69.111 Between-deck tonnage		
Replaces the phrase ''at different levels from stem to stern'' with the more commonly used term ''stepped''.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2005 (MTN 01–99 CH–7).
Requires a minimum size for a longitudinal step being used as the basis for establishing the line of the uppermost complete deck.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2005 (MTN 01–99 CH–7).
Replaces the phrase ''face of the normal side frames'' with the phrase ''line of the normal frames''.	Administrative: Clarification	No cost.
§ 69.113 Superstructure tonnage		
Incorporates interpretations on treatment of portable spaces	Codification: Principal interpretations from policy document.	No cost. Interpretations in effect since 1997 (NVIC 11–93 CH–2).
Clarifies that measurements are to be taken to the ''line of the normal frames''.	Administrative: Clarification	No cost.
Defines superstructure tonnage as the tonnage of all superstructure spaces.	Administrative: Clarification	No cost.
§ 69.115 Excess hatchway tonnage		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Clarification	No cost.
§ 69.117 Spaces exempt from inclusion in tonnage		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
Amends the definition of passenger space to preclude passenger support spaces and spaces used by both passengers and crew from being exempted as passenger space.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2005 (MTN 01–99 CH–7).
Establishes the minimum height above the uppermost complete deck for exemptible passenger spaces.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2005 (MTN 01–99 CH–7).
Removes the prohibition of exempting a passenger space as an open space when it has berthing accommodations.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2003 (MTN 01–99 CH–5).

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE PROPOSED RULE—Continued

Description of change	Type of change	Cost impact
Establishes requirements on open structure exemptions for structures divided into compartments.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2005 (MTN 01–99 CH–7).
Prohibits the progression of open space vertically between structures and allows a space outside a structure's boundary bulkhead meeting certain conditions to be considered open to the weather.	Codification: Principal interpretations from policy document.	No cost. Interpretations in effect since 2003 (MTN 01–99 CH–6).
Provides end opening and interior space circulation requirements	Codification: Principal interpretations from policy document.	No cost. Interpretations in effect since 2003 (MTN 01–99 CH–6).
Requires compartments from which open space progresses to meet certain opening requirements.	Codification: Principal interpretations from policy document.	No cost. Interpretations in effect since 2003 (MTN 01–99 CH–6).
Requires temporary cover plates to be fitted against the weather side of a bulkhead in applying open to the weather criteria.	Codification: Principal interpretations from policy document.	No cost. Interpretations in effect since 2003 (MTN 01–99 CH–6).
Specifies that in applying the size requirements of 69.117(d)(7), an opening need not also meet the size requirements of 69.117(d)(2).	Administrative: Clarification	No cost.
Provides for exemption of space in way of opposite side openings	Codification: Principal interpretations from policy document.	No cost. Interpretations in effect since 2003 (MTN 01–99 CH–6).
Replaces the phrase "next lower deck" with the phrase "uppermost complete deck".	Administrative: Clarification	No cost.
Precludes battening, caulking, seals, or gaskets of any material from being used in association with a middle line opening cover.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2003 (MTN 01–99 CH–6).
Deletes the requirement to provide calculations in a specific format	Administrative: Update	No cost. Reflects increased use of computer-based computational methods.
Requires use of the zone of influence method to ensure accuracy and consistency in calculating volumes of exempted under-deck spaces.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2003 (MTN 01–99 CH–6).
§ 69.119 Spaces deducted from tonnage		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
§ 69.121 Engine room deduction		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
§ 69.123 Figures		
Updates the existing figures to resolve minor labeling inconsistencies, and for visual clarity.	Administrative: Clarifications and updates.	No cost.
Subpart D—Dual Regulatory Measurement System		
§ 69.151 Purpose		
Reflects proposed revised title of Subpart D	Administrative: Clarification	No cost.
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
§ 69.153 Application of other laws		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
§ 69.155 Measurement requirements		
Deletes references to the "Standard Measurement System" and "Dual Measurement System".	Administrative: Editorial change	No cost.
§ 69.157 Definitions		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
§ 69.159 Application for measurement services		
Deletes reference to the "Standard Measurement System"	Administrative: Editorial change	No cost.
§ 69.161 Gross and net register tonnages		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
Clarifies that the U.S. Tonnage Certificate reflects measurement for the Convention and Regulatory Measurement Systems, as applicable, and need not be carried aboard.	Administrative: Clarification	No cost.
§ 69.163 Under-deck tonnage		
Deletes reference to the "Dual Measurement System"	Administrative: Editorial change	No cost.

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE PROPOSED RULE—Continued

Description of change	Type of change	Cost impact
§ 69.165 Between-deck tonnage		
Deletes reference to the "Dual Measurement System"	Administrative: Editorial change	No cost.
§ 69.167 Superstructure tonnage		
Deletes reference to the "Dual Measurement System"	Administrative: Editorial change	No cost.
§ 69.169 Spaces exempt from inclusion tonnage		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
§ 69.173 Tonnage assignments for vessels with only one deck		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
§ 69.175 Tonnage assignments for vessels with a second deck		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
Clarifies that the vessel owner may elect to use the lower set of tonnages when opting for single tonnage assignment under the Dual Measurement System.	Administrative: Clarification	No cost.
Requires a load line to be assigned at a level below the line of the second deck.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2003 (MTN 01–99 CH–5).
§ 69.177 Markings		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
Adds exception to allow the line of the second deck to be marked on the side of the vessel if the second deck is the actual freeboard deck for purposes of load line assignment.	Codification: Principal interpretation from policy document.	No cost. Interpretation in effect since 2003 (MTN 01–99 CH–5).
§ 69.181 Locating the line of the second deck		
Updates the existing examples for visual clarity	Administrative: Clarifications and updates.	No cost.
§ 69.183 Figures		
Updates the existing figures to resolve minor labeling inconsistencies, and for visual clarity.	Administrative: Clarifications and updates.	No cost.
Subpart E—Simplified Regulatory Measurement System		
§ 69.201 Purpose		
Reflects proposed revised title of Subpart E	Administrative: Clarification	No cost.
§ 69.205 Application for measurement services		
Specifies how vessel owners not seeking documentation should process an application for simplified measurement.	Administrative: Clarification	No cost. Provides additional guidance.
Specifies that a completed application for simplified measurement serves as evidence of measurement under the Simplified system.	Administrative: Clarification	No cost.
Specifies the vessel information required to be provided by the owner when completing the Application for Simplified Measurement.	Administrative: Clarification	No cost.
Deletes reference to a specific section of the Builders Certificate and First Transfer of Title form (CG–1261) to allow for revisions to this form without the need to revise regulations.	Administrative: Removes unneeded requirement from the regulations.	No cost.
§ 69.207 Measurements		
Relaxed measurement tolerances consistent with current practice	Administrative: Update	No cost—matches existing practice.
§ 69.209 Gross and net register tonnage		
Revises nomenclature consistent with proposed revisions to § 69.9	Administrative: Editorial change	No cost.
Specifies that a vessel's Certificate of Documentation serves as evidence of measurement under the Simplified system.	Administrative: Clarification	No cost.

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE PROPOSED RULE—Continued

Description of change	Type of change	Cost impact
§ 69.211 Treatment of unique or otherwise novel type vessels		
Identifies the Coast Guard office to contact for questions on a vessel for which the simplified measurement rules may not readily be applied.	Administrative: Facilitates resolutions of questions from public.	No cost.

Benefits

Part 69 Subpart A (Sections 69.1–69.29):

The revisions to 46 CFR part 69 subpart A would clarify and update general tonnage measurement requirements, consistent with the changes mandated by the 2010 Coast Guard Authorization Act, and codify certain interpretations affecting vessels measured under the four U.S. measurement systems. These changes are expected to benefit the public through increased regulatory clarity and by adding flexibility to use foreign flag tonnages.

Part 69 Subparts B, C and D (Sections 69.51–69.183):

The proposed revisions to 46 CFR part 69 subparts B, C, and D would clarify and update tonnage measurement requirements, and codify principal interpretations of the tonnage technical rules. These changes are expected to benefit the public through increased regulatory clarity and by facilitating understanding of the tonnage measurement regulations, which could help avert costs and delays associated with bringing vessels into regulatory compliance.

Part 69 Subpart E (Sections 69.201–69.209):

The proposed revisions to 46 CFR part 69 subpart E would clarify and update tonnage measurement requirements, and are expected to benefit the public through increased regulatory clarity.

Table 3 summarizes the benefits of the proposed rule.

TABLE 3—SUMMARY OF BENEFITS

Requirement	Benefit
Part 69 Subpart A (Sections 69.1–69.29)	• Clarifies tonnage measurement requirements.
Part 69 Subparts B, C and D (Sections 69.51–69.183)	• Clarifies tonnage measurement requirements. • Facilitates the understanding of tonnage measurement requirements to allow more effective and efficient tonnage certifications
Part 69 Subpart E (Sections 69.201–69.209)	• Clarifies tonnage measurement requirements.

Alternatives

The Coast Guard concluded that some changes to the existing tonnage regulations are required to implement changes to the tonnage measurement law made by the 2010 Coast Guard Authorization Act. Based on the preceding discussion, we further concluded that the additional changes to the tonnage regulations described above could provide a net benefit to the public, and should also be made.

In arriving at these conclusions, the Coast Guard considered two alternatives to the proposed approach in order to maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Table 4 summarizes these three alternative approaches, including the costs and benefits. A brief description of the alternatives that were not adopted follows the table.

TABLE 4—DESCRIPTION OF REGULATORY ALTERNATIVES

Alternative	Description	Costs and benefits
Proposed Approach	Revise regulations to: —Reflect statutory changes; —Codify *principal* interpretations; —Include administrative changes.	—No cost. —Clarifies requirements. —Adds flexibility to use foreign flag tonnages. —Facilitates understanding of regulations.
Alternative 1	Revise regulations to: —Reflect statutory changes; —Codify *all* interpretations; —Include administrative changes.	—Reduces flexibility in applying regulations. —Clarifies requirements. —Adds flexibility to use foreign flag tonnages. —Facilitates understanding of regulations. —No costs short run, but in the long-run we anticipate that the new regulations would be too detailed and lead to compliance difficulties.
Alternative 2	Revise regulations to: —Reflect statutory changes.	—No cost. —Adds flexibility to use foreign flag tonnages. —No enhanced understanding of tonnage regulations with increased compliance challenges/costs.

Alternative 1—Codify All Interpretations

Alternative 1 would revise the tonnage regulations to incorporate not only the changes and principal interpretations of the proposed alternative, but to also include all published Coast Guard interpretations. This would consolidate all tonnage interpretative information into one source. Unlike the proposed alternative, Alternative 1 would induce an additional cost and burden to both industry and government due to a lack of flexibility in applying regulations.

Initially, we believed this alternative, when compared to the current situation of a regulation not reflective of published interpretations, would produce some additional benefit due to the increased visibility of both the principal and secondary interpretations. We concluded that, over time, new technologies and vessel construction practices would lead to difficulties in complying with an overly detailed regulation. This would likely lead to additional requests for clarifications and interpretations and additional rulemakings, potentially causing tonnage certification delays and negatively impact design innovations. Based on these considerations, we did not accept Alternative 1.

Alternative 2—Incorporate Only Mandatory Changes

Alternative 2 would amend the tonnage regulations to only incorporate changes that reflect the tonnage technical amendments of the 2010 Coast Guard Authorization Act, while continuing the Coast Guard's practice of communicating tonnage regulation interpretations to industry via policy documents. This would sustain the Coast Guard's current flexibility in applying tonnage measurement interpretations and preclude additional costs to industry. However, it would not clarify tonnage measurement requirements or increase the understanding of the tonnage measurement regulations. Based on this consideration, we did not accept Alternative 2.

B. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. 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.

Our economic analysis concludes that this proposed rule would have no cost impact and would not affect the small entities described above.

Business entities are categorized by the North American Industry Classification System (NAICS) codes.[2] We identified the NAICS codes for the population affected by the proposed rule. Table 5 presents these NAICS codes, their descriptions, and their SBA size criteria.

TABLE 5—NAICS CODES WITH SBA THRESHOLD

NAICS Code	NAICS Description	SBA Small entity threshold
11411	Fishing	$4,00,000 revenue.
483111	Deep sea freight transportation	500 employees.
483112	Deep sea passenger transportation	500 employees.
483113	Coastal and great lakes freight transportation	500 employees.
483114	Coastal and great lakes passenger transportation	500 employees.
483211	Inland water freight transportation	500 employees.
483212	Inland water passenger transportation	500 employees.
488310	Port and Harbor Operations	$25,000,000 revenue.
488330	Navigational Services to Shipping	$7,000,000 revenue.

We estimate that this rule would not impose additional costs and should have no impact on small entities because the Coast Guard has not identified any costs associated with complying with the proposed rule.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

C. 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 proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Mr. Marcus Akins, Marine Safety Center, Tonnage Division (MSC–4), Coast Guard; telephone (703) 872–6787 or email *Marcus.J.Akins@uscg.mil.* 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.

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).

D. Collection of Information

This proposed rule would call for no new collection of information under the

[2] Small business information can be accessed online at *http://www.sba.gov/size/indextableofsize.html.*

Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The current Office of Management and Budget approval number for this part, 1625–0028, remains unchanged and effective.

E. 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 proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis is explained below.

It is well settled that States may not regulate in fields reserved for regulation by the Coast Guard. Under Title 46, United States Code, Subtitle II, Part J, ''Measurement of Vessels,'' Congress specifically mandated the Secretary to measure vessels in the manner provided by the statute and the Convention. The authority to carry out these functions was specifically delegated to the Coast Guard by the Secretary. As this proposed rulemaking implements amendments to the tonnage measurement law, as well as incorporates technical interpretations and administrative clarifications of existing tonnage regulations, it falls within the scope of authority Congress granted exclusively to the Secretary and States may not regulate within this field. Therefore, the rule is consistent with the principles of federalism and preemption requirements in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process.

Therefore, the Coast Guard invites State and local governments and their representative national organizations to indicate their desire for participation and consultation in this rulemaking process by submitting comments to this NPRM. In accordance with Executive Order 13132, the Coast Guard will provide a federalism impact statement to document: (1) The extent of the Coast Guard's consultation with State and local officials who submit comments to this proposed rule; (2) a summary of the nature of any concerns raised by State or local governments and the Coast Guard's position thereon; and (3) a statement of the extent to which the concerns of State and local officials have been met. We will also report to the Office of Management and Budget any written communications with the States.

F. 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would 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.

H. Civil Justice Reform

This proposed 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.

I. Protection of Children

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

J. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

L. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

M. Environment

We have analyzed this proposed 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. This action falls under section 2.B.2, figure 2–1, paragraph (34)(a) and (d) of the Instruction and involves regulations which are editorial or procedural and regulations concerning [follow lit]admeasurement[/

follow lit] of vessels. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 46 CFR Part 69

Measurement standards, Penalties, Reporting and recordkeeping requirements, Vessels.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 46 CFR part 69 as follows:

Title 46

PART 69—MEASUREMENT OF VESSELS

Subpart A—General

■ 1. The authority citation for part 69 continues to read as follows:

Authority: 46 U.S.C. 2301, 14103; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 69.1 to read as follows:

§ 69.1 Purpose.

This part implements legislation concerning the measurement of vessels to determine their tonnage (part J of 46 U.S.C. subtitle II). Tonnage is used for a variety of purposes, including the application of vessel safety, security, and environmental protection regulations and the assessment of taxes and fees. This part indicates the particular measurement system or systems under which the vessel is required or eligible to be measured, describes the measurement rules and procedures for each system, identifies the organizations authorized to measure vessels under this part, and provides for the appeal of measurement organizations' decisions.

■ 3. Revise § 69.3 to read as follows:

§ 69.3 Applicability.

This part applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.

§ 69.5 [Removed and Reserved]

■ 4. Remove and reserve § 69.5.

■ 5. Revise § 69.7 to read as follows:

§ 69.7 Vessels transiting the Panama and Suez Canals.

For vessels that will transit the Panama Canal and/or Suez Canal, the respective canal authorities may require special tonnage certificates in addition to those issued under this part. These special certificates may be issued by measurement organizations who have received appropriate authorization from the respective canal authorities.

■ 6. Revise § 69.9 to read as follows:

§ 69.9 Definitions.

As used in this part—

Authorized measurement organization means an entity that is authorized to measure vessels under this part.

Commandant means Commandant of the Coast Guard at the following address: Commanding Officer, Marine Safety Center (MSC–4), US Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410

Convention means the International Convention on Tonnage Measurement of Ships, 1969.

Convention Measurement System means the measurement system under subpart B of this part, which is based on the rules of the Convention. It uses the vessel's total enclosed volume as the principal input for tonnage calculations along with other characteristics related to the vessel's carrying capacity, including the volume of cargo spaces and number of passengers. Tonnages assigned under this system are expressed in terms of gross tonnage ITC (GT ITC) or net tonnage ITC (NT ITC).

Deck cargo means freight carried on the weather decks of a vessel for the purpose of its transport between two separate and distinct locations, and which is off-loaded from the vessel in its original container (if applicable) without undergoing any processing or other use while onboard the vessel.

Dual Regulatory Measurement System means the measurement system of subpart D of this part, which is one of three sub-systems of the Regulatory Measurement System. It is based on the rules of the Standard Measurement System, with adjustments that allow for the assignment of two sets of Regulatory Measurement System tonnages whose use depends on the loading condition of the vessel. Tonnages assigned under this system are expressed in terms of gross register tons (GRT) or net register tons (NRT).

Foreign flag vessel means a vessel that is not a U.S. flag vessel.

Great Lakes means the Great Lakes of North America and the St. Lawrence River west of a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees west.

Gross register tonnage (GRT) means the gross tonnage measurement of the vessel under the Regulatory Measurement System. Refer to § 69.20 of this subpart for information on applying tonnage thresholds expressed in terms of gross register tons (also referred to as GRT).

Gross tonnage ITC (GT ITC) means the gross tonnage measurement of the vessel under the Convention Measurement System (subpart B of this part). In international conventions, this parameter may be referred to as ''gross tonnage (GT)''. Refer to § 69.20 of this subpart for information on applying tonnage thresholds expressed in terms of gross tonnage ITC.

National Vessel Documentation Center means the organizational unit designated by the Commandant to process vessel documentation transactions and maintain vessel documentation records.

Net register tonnage (NRT) means the net tonnage measurement of the vessel under the Regulatory Measurement System. Refer to § 69.20 of this subpart for information on applying tonnage thresholds expressed in terms of net register tons.

Non-self-propelled vessel means a vessel that is not a self-propelled vessel.

Overall length means the horizontal distance of the vessel's hull between the foremost part of a vessel's stem to the aftermost part of its stern, excluding fittings and attachments.

Portable enclosed space means an enclosed space that is not deck cargo, and whose method of attachment to the vessel is not permanent in nature. Examples of portable enclosed spaces include modular living quarters, housed portable machinery spaces, and deck tanks used in support of shipboard industrial processes.

Register ton means a unit of volume equal to 100 cubic feet.

Regulatory Measurement System means the measurement system that comprises subparts C, D, and E of this part (Standard, Dual, and Simplified Regulatory Measurement Systems, respectively), and is sometimes referred to as the national measurement system of the United States. Tonnages assigned under this system are expressed in terms of gross register tons (GRT) or net register tons (NRT).

Remeasurement means the process by which tonnages and registered dimensions of a vessel that was previously measured are reassigned to that vessel, or are verified to be correct, as appropriate.

Self-propelled vessel means a vessel with means of self-propulsion, including sails.

Simplified Regulatory Measurement System means the measurement system of subpart E of this part, which is one of three sub-systems of the Regulatory Measurement System. It is based on the rules of the Standard Measurement System but employs a simplified computational method using hull

dimensions as the principal inputs. Tonnages assigned under this system are expressed in terms of gross register tons (GRT) or net register tons (NRT).

Standard Regulatory Measurement System means the measurement system of subpart C of this part, which is one of three sub-systems of the Regulatory Measurement System. It is based on the rules of the British Merchant Shipping Act of 1854 and uses volumes of internal spaces as the principal inputs for tonnage calculations, allowing for exemptions or deductions of qualifying spaces according to their location and use. Tonnages assigned under this system are expressed in terms of gross register tons (GRT) or net register tons (NRT).

Tonnage means the volume of a vessel's spaces, including portable enclosed spaces, as calculated under a measurement system in this part, and is categorized as either gross or net. Gross tonnage refers to the volumetric measure of the overall size of a vessel. Net tonnage refers to the volumetric measure of the useful capacity of the vessel. Deck cargo is not included in tonnage.

Tonnage threshold means a delimitating tonnage value specified in an international convention or a Federal statute or regulation.

U.S. flag vessel means a vessel of United States registry or nationality, or one operated under the authority of the United States.

Vessel of war means ''vessel of war'' as defined in 46 U.S.C. 2101.

Vessel that engages on a foreign voyage means a vessel—

(1) That arrives at a place under the jurisdiction of the United States from a place in a foreign country;

(2) That makes a voyage between places outside of the United States;

(3) That departs from a place under the jurisdiction of the United States for a place in a foreign country; or

(4) That makes a voyage between a place within a territory or possession of the United States and another place under the jurisdiction of the United States not within that territory or possession.

■ 7. Revise § 69.11 to read as follows:

§ 69.11 Determining the measurement system or systems for a particular vessel.

(a) Convention Measurement System (subpart B). (1) Except as otherwise provided in this section, this system applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.

(2) This system does not apply to the following vessels:

(i) A vessel of war unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.

(ii) A vessel of less than 79 feet in overall length.

(iii) A U.S. flag vessel, or one of Canadian registry or nationality, or operated under the authority of Canada, and that is operating only on the Great Lakes, unless the vessel owner requests.

(iv) A U.S. flag vessel, the keel of which was laid or was at a similar stage of construction before January 1, 1986, unless the vessel owner requests or unless the vessel subsequently undergoes a change that the Commandant finds substantially affects the gross tonnage.

(v) A non-self-propelled U.S. flag vessel (except a non-self-propelled vessel that engages on a foreign voyage) unless the vessel owner requests the application.

(b) Standard Regulatory Measurement System (subpart C). This system applies to a vessel not measured under the Convention Measurement System for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage. Upon request of the vessel owner, this system also applies to a U.S. flag vessel that is also measured under the Convention Measurement System.

(c) Dual Regulatory Measurement System (subpart D). This system may be applied, at the vessel owner's option, instead of the Standard Regulatory Measurement System.

(d) Simplified Regulatory Measurement System (subpart E). This system may be applied, at the vessel owner's option, instead of the Standard Regulatory Measurement System to the following vessels:

(1) A vessel that is under 79 feet in overall length.

(2) A vessel of any length that is non-self-propelled and does not engage on foreign voyages.

(3) A vessel of any length that is operated only for pleasure and operated only on the Great Lakes.

■ 8. Revise § 69.13 to read as follows:

§ 69.13 Applying provisions of a measurement system.

(a) Except as noted under paragraph (c) of this section, all provisions of a measurement system as prescribed in this part that are applicable to the vessel, along with associated interpretations of the Coast Guard, must be observed. These Coast Guard interpretations are published by, and may be obtained from, Commanding Officer, Marine Safety Center (MSC–4).

(b) The provisions of more than one measurement system must not be applied interchangeably or combined, except where specifically authorized under this part.

(c) Unless otherwise provided for by law, the tonnage measurement rules and procedures that immediately predate the rules and procedures prescribed in this part may be applied, at the option of the vessel owner, to the following vessels:

(1) A vessel which has not been measured and which was contracted for on or before (effective date of this rule).

(2) A vessel which has been measured, but which has undergone modifications contracted for on or before (effective date of this rule).

■ 9. Amend § 69.15 as follows:

■ a. Revise paragraphs (a), (b), (c), and (e) to read as set forth below; and

■ b. In paragraph (d), remove the words ''to determine its tonnage'' and add, in their place, the words ''under this part''.

§ 69.15 Authorized measurement organizations.

(a) Except as noted under paragraphs (c) and (d) of this section, measurement or remeasurement of all vessels under subparts B, C, or D of this part must be performed by an authorized measurement organization meeting the requirements of § 69.27 of this subpart. A current listing of authorized measurement organizations may be obtained from the Commanding Officer, Marine Safety Center (MSC–4).

(b) Measurement or remeasurement of all vessels under subpart E of this part must be performed by the Coast Guard.

(c) Measurement or remeasurement of all U.S. Coast Guard vessels and all U.S. Navy vessels of war must be performed by the Coast Guard.

* * * * *

(e) The appropriate tonnage certificate, as provided for under this part, is issued by the authorized measurement organization as evidence of the vessel's measurement under this part.

■ 10. Amend § 69.17 as follows:

■ a. Revise paragraph (a) to read as set out below; and

■ b. In paragraph (c), remove the words ''engine and boilers'' and add, in their place, the word ''engines''.

§ 69.17 Application for measurement services.

(a) The vessel owner is responsible for having the vessel measured or remeasured under this part. Applications for measurement services are available from and, once completed, are submitted to the authorized measurement organization that will perform the measurement services. The

contents of the application are described in this part under the requirements for each system.

* * * * *

■ 11. Revise paragraphs (a), (b), and (c) of § 69.19 to read as follows:

§ 69.19 Remeasurement.

(a) If a vessel that is already measured is to undergo a structural alteration, a change to its service, or if the use of its space is to be changed, a remeasurement may be required. Vessel owners shall report immediately to an authorized measurement organization any intent to structurally alter the vessel or to change its service or the use of its space. The organization advises the owner if remeasurement is necessary. Remeasurement is initiated by completing and submitting, where applicable, the appropriate application for measurement services. Spaces not affected by the alteration or change need not be remeasured.

(b) Remeasurement must also be performed as follows:

(1) When there is a perceived error in the application of this part, the vessel owner should contact the responsible measurement organization. Remeasurement is performed to the extent necessary to verify and correct the error.

(2) At the vessel owner's option, to reflect the latest tonnage measurement rules and associated interpretations under this part.

(c) If a remeasurement or adjustment of tonnage is required, the organization will issue a new tonnage certificate.

* * * * *

■ 12. Add § 69.20 to read as follows:

§ 69.20 Applying tonnage thresholds.

(a) *General.* Tonnage thresholds are applied using the vessel's tonnage assigned under this part, and as provided for by paragraphs (b) through (d) of this section. In general, and except as under paragraphs (b) and (c) of this section, tonnage thresholds expressed in terms of ''gross tonnage,'' ''gross tonnage ITC,'' or ''GT ITC'' are applied using Convention Measurement System tonnage (if assigned) and thresholds expressed in terms of ''gross tons,'' ''registered gross tons,'' or ''GRT'' are applied using the Regulatory Measurement System tonnage (if assigned). Similarly, in general, and except as under paragraphs (b) and (c) of this section, tonnage thresholds expressed in terms of ''net tonnage,'' ''net tonnage ITC,'' or ''NT ITC'' are applied using Convention Measurement System tonnage (if assigned) and thresholds expressed in terms of ''net tons,'' ''registered net tons,'' or ''NRT'' are applied using the Regulatory Measurement System tonnage (if assigned).

(b) *International Conventions.* Unless otherwise provided for by law, apply tonnage thresholds in international conventions as follows:

(1) For vessels measured under the Convention Measurement System, apply all tonnage thresholds using Convention Measurement System tonnage, except as provided for under the following international tonnage grandfathering provisions, which may be applied at the option of the vessel owner:

(i) Article 3(2)(d) of the Convention.

(A) For a U.S. flag vessel, this Article allows associated tonnage thresholds in effect on or before July 18, 1994 to be applied, at the vessel owner's option, using Regulatory Measurement System tonnage, to a vessel whose keel was laid on or before July 18, 1982, and which did not subsequently undergo alterations resulting in a change in its tonnage of a magnitude deemed by the Commandant to constitute a substantial variation in its tonnage.

(B) For a foreign flag vessel, this Article allows associated tonnage thresholds in effect on or before July 18, 1994, to be applied, at the vessel owner's option, using the foreign country's national measurement system tonnage to a vessel whose keel was laid on or before July 18, 1982, and which did not subsequently undergo alterations resulting in a change in its tonnage of a magnitude deemed by that country to constitute a substantial variation in its tonnage.

(ii) International Maritime Organization (IMO) Resolutions A.494 (XII) of November 19, 1981 and A.541 (XIII) of November 17, 1983.

(A) For a U.S. flag vessel, these resolutions allow tonnage thresholds in effect on July 18, 1994 to be applied using the gross register tonnage (Regulatory Measurement System), to a vessel whose keel was laid on or after July 18, 1982 but before July 19, 1994, and which did not subsequently undergo alterations resulting in a change substantially affecting its tonnage as deemed by the Commandant.

(B) For a foreign flag vessel, these resolutions allow tonnage thresholds in effect on July 18, 1994 to be applied, at the vessel owner's option, using the foreign country's national measurement system tonnage, to a vessel whose keel was laid on or after July 18, 1982, but on or before July 18, 1994, and which did not undergo alterations after July 18, 1994 of a magnitude deemed by that country to constitute a substantial variation in its tonnage subject to the provisions of these resolutions.

(iii) Any other international grandfathering provisions as authorized under appropriate International Maritime Organization instruments to which the United States is a party, or which are otherwise recognized or accepted by the United States.

(2) For all other vessels, apply all tonnage thresholds using Regulatory Measurement System tonnage.

(c) Federal Statutes and Regulations. Unless otherwise provided for by law, apply tonnage thresholds in Federal statutes and regulations as follows:

(1) For vessels measured under the Convention Measurement System only, apply all thresholds using Convention Measurement System tonnage.

(2) For vessels measured under the Regulatory Measurement System only, apply all thresholds using Regulatory Measurement System tonnage.

(3) For all other vessels, apply thresholds in effect before July 19, 1994 using the vessel's Regulatory Measurement System tonnage, and all other thresholds using the vessel's Convention Measurement System tonnage.

(d) *Alternate Tonnage.*

(1) Alternate tonnage is a regulatory framework established by Public Law 104–324, which authorizes the Coast Guard to establish tonnage thresholds based on the Convention Measurement System as an alternative to tonnage thresholds based on the Regulatory Measurement System. Although Public Law 104–324 addresses only thresholds in Federal statutes, it does not preclude establishing alternate tonnage thresholds for Federal regulations that currently specify thresholds that were based on the Regulatory Measurement System, where appropriate.

(2) A vessel regulated to an alternate tonnage threshold established under this part must not be measured under the Regulatory Measurement System.

§ 69.25 [Amended]

■ 13. Amend § 69.25 as follows:

■ a. In paragraph (a), after the words ''General violation. The'', add the word ''vessel''; and

■ b. In paragraphs (a) and (b), remove the figure ''$20,000'', and add, in its place, the figure ''$30,000''.

■ 14. Amend § 69.27 as follows:

■ a. Revise paragraphs (a), (b) introductory text, (b)(4), and (b)(5) to read as follows; and

■ b. In paragraphs (c)(3) and (c)(4), remove the words ''Convention, Standard, and Dual Measurement Systems'' and add, in their place, the words ''subparts B, C, or D of this part''.

§ 69.27 Delegation of authority to measure vessels.

(a) Under 46 U.S.C. 14103, the Coast Guard is authorized to delegate to a ''qualified person'' the authority to measure and certify U.S. flag vessels under this part.

(b) Authority to measure and certify U.S. flag vessels under the Convention Measurement System and Standard and Dual Regulatory Measurement Systems may be delegated to an organization that:

* * * * *

(4) Is capable of providing all measurement services under subparts B, C, or D of this part for vessels domestically and internationally;

(5) Maintains a tonnage measurement staff that has practical experience in measuring U.S. flag vessels under subparts B, C, or D of this part; and

* * * * *

■ 15. Add § 69.28 to read as follows:

§ 69.28 Acceptance of measurement by a foreign country.

(a) The Commandant must accept the measurement of a foreign flag vessel by a foreign country as complying with subpart B of this part if—

(1) The vessel was measured under the terms of the Convention and the foreign country is party to the Convention; or

(2) The Commandant finds that the laws and regulations of that country related to measurement are similar to those of subpart B of this part.

(b) The Commandant may accept the measurement of a foreign flag vessel by a foreign country as complying with subpart C, D, or E of this part if the Commandant finds that the laws and regulations of that country related to measurement are substantially similar to those of subpart C, D, or E, respectively, of this part.

Subpart B—Convention Measurement System

■ 16. Amend § 69.53 by removing the definitions of ''Gross tonnage'' and ''Net tonnage'' and by adding the definition of ''Boundary bulkhead'' to read as follows:

§ 69.53 Definitions.

* * * * *

Boundary bulkhead means the bulkhead or partition that separates an enclosed interior space from the surrounding weather. In general, the exterior bulkhead of a deck structure is the boundary bulkhead.

* * * * *

§ 69.55 [Amended]

■ 17. Amend § 69.55 paragraph (d) by removing the words ''and year'' and by adding, after the word ''built'', the words ''and delivery date (or scheduled delivery date)''.

§ 69.57 [Amended]

■ 18. Amend § 69.57 as follows:

■ a. In the section heading, add the word ''ITC'' after the words ''Gross tonnage''; and

■ b. After the words ''Gross tonnage'' and the text ''GT'', wherever they appear, add the word ''ITC''.

§ 69.59 [Amended]

■ 19. In § 69.59, at the end of the section, add a sentence to read as follows:

§ 69.59 Enclosed spaces.

* * * Portable enclosed spaces, regardless of method of attachment to the vessel, are treated as enclosed spaces as defined in this section.

■ 20. Amend § 69.61 as follows:

■ a. Revise paragraph (a) to read as set out below; and

■ b. In paragraph (g), remove the words ''paragraphs (b) through (f)'' and add, in their place, the words ''paragraphs (a) through (f)''.

§ 69.61 Excluded spaces.

(a) *Excluded space* means an enclosed space which is excluded from the total volume of all enclosed spaces (V) in calculating gross tonnage ITC. Spaces that are below the upper deck and open to the sea, as well as those spaces listed in paragraphs (b) through (f) of this section, are excluded spaces, except as under paragraph (g) of this section.

* * * * *

§ 69.63 [Amended]

■ 21. Amend § 69.63 as follows:

■ a. In the section heading, add the word ''ITC'' after the words ''Net tonnage''; and

■ b. After the words ''net tonnage'', ''gross tonnage'', ''GT'', and ''NT'', wherever they appear, add the word ''ITC''.

■ 22. Revise § 69.65 to read as follows:

§ 69.65 Calculation of volumes.

(a) Volumes V and V_c used in calculating gross tonnage ITC and net tonnage ITC, respectively, must be measured and calculated according to accepted naval architectural practices for the spaces concerned.

(b) Measurements must be taken, regardless of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in vessels constructed of metal, and to the outer surface of the shell or to the inner side of structural boundary surfaces in all other vessels.

■ 23. Revise § 69.69 to read as follows:

§ 69.69 Tonnage certificates.

(a) On request of the vessel owner, the authorized measurement organization must issue an International Tonnage Certificate (1969) as evidence of the vessel's measurement under this subpart for a vessel that is 24 meters (79.0 feet) or more in registered length, will engage on a foreign voyage, and is not a vessel of war. The Certificate is delivered to the vessel owner or master and must be maintained on board the vessel when it is engaged on a foreign voyage. For a vessel for which a remeasurement under § 69.71 of this subpart resulted in a net tonnage ITC decrease due to changes other than alterations or modifications to the vessel deemed by the Commandant to be of a major character, an International Tonnage Certificate (1969) reflecting the decreased net tonnage ITC will not be reissued until 12 months have elapsed from the date of measurement indicated on the current certificate.

(b) If an International Tonnage Certificate (1969) is not issued for a vessel measured under this part, the measurement organization must issue a U.S. Tonnage Certificate as evidence of the vessel's measurement under this subpart, which must also indicate the vessel's measurement under any other subpart of this part. There is no requirement to maintain the U.S. Tonnage Certificate on board the vessel.

(c) For a vessel that transfers flag to a foreign country that is party to the Convention, the International Tonnage Certificate (1969) remains valid for a period not to exceed 3 months after the flag transfer, or until an International Tonnage Certificate (1969) is issued under authority of the foreign country to replace it, whichever is earlier.

§ 69.71 [Amended]

■ 24. In § 69.71(c)(2), remove the word ''Coast Guard'', and in its place add the word ''Commandant''.

■ 25. In § 69.73, revise the section heading and paragraph (b) to read as follows:

§ 69.73 Treatment of novel type vessels.

* * * * *

(b) Requests for a determination must be submitted to the Commandant, explaining the reasons for seeking a determination, and including a description of the spaces in question, if applicable.

■ 26. In § 69.75, revise Figures 1–11 to read as follows:

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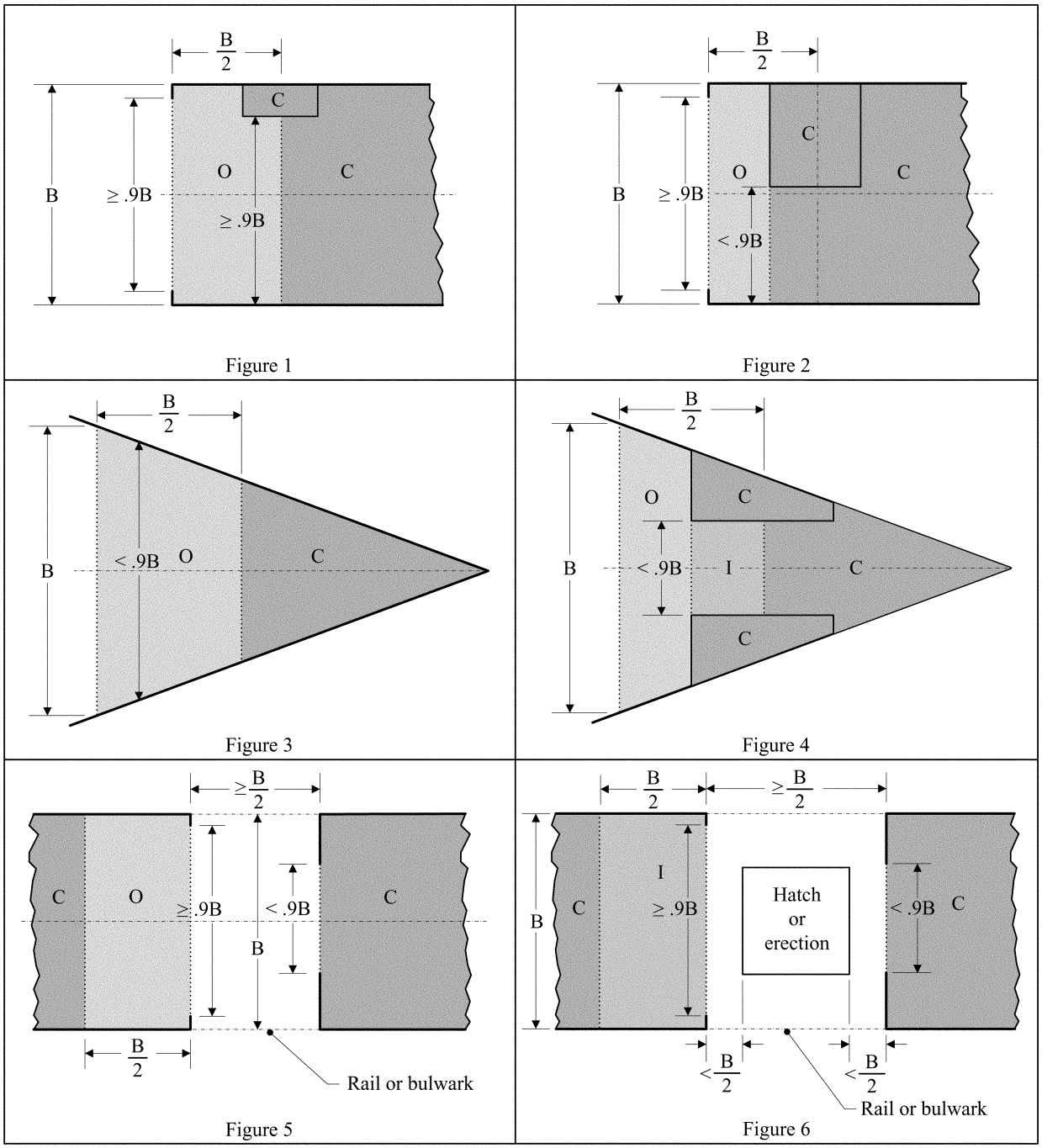
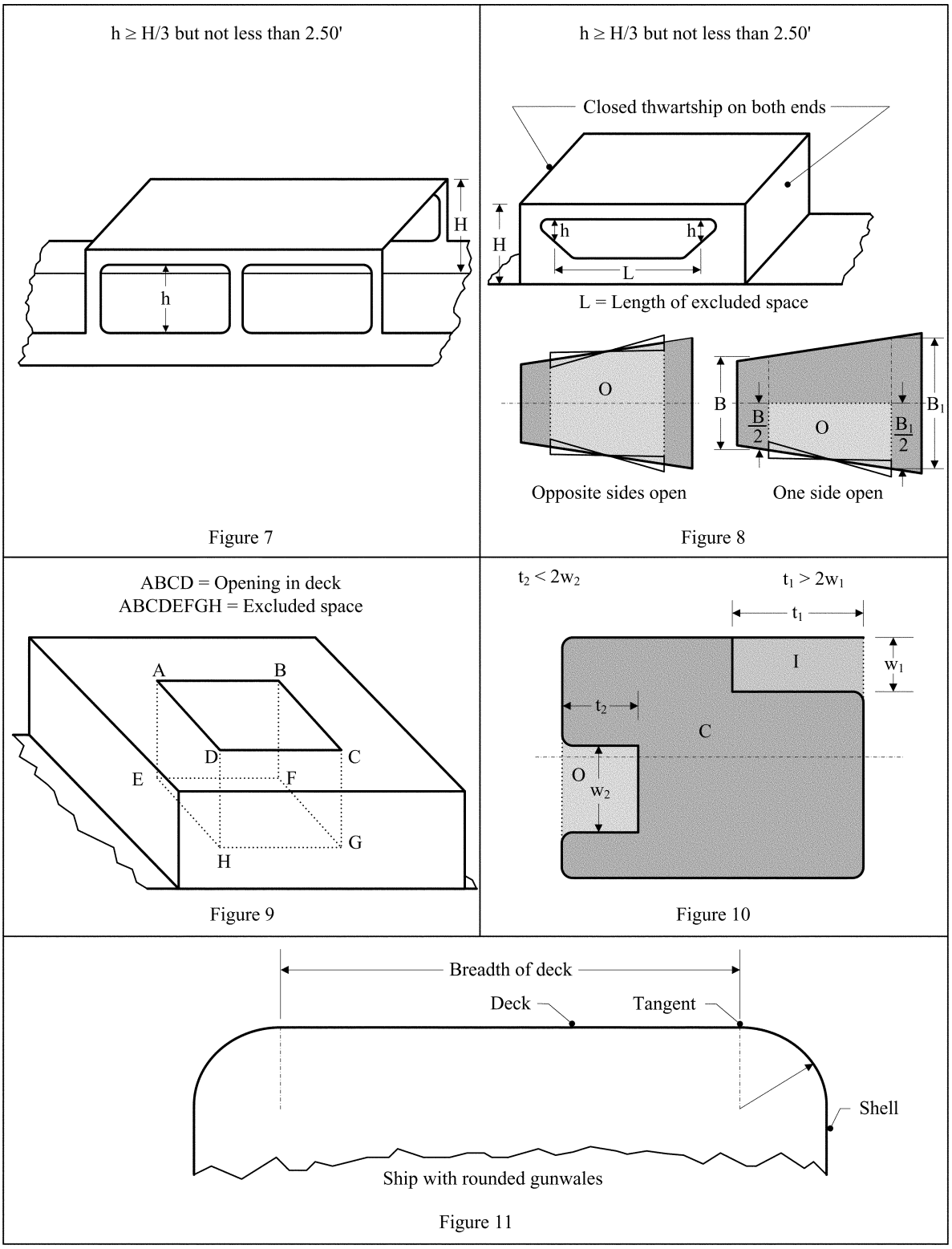
§ 69.75 Figures.





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Subpart C—Standard Regulatory Measurement System

■ 27. Revise the heading for Subpart C to read as shown above.

§ 69.101 [Amended]

■ 28. In § 69.101, after the word ''Standard'', add the word ''Regulatory''.

■ 29. Amend § 69.103 as follows:

■ a. In the definition of ''Gross tonnage'', after the word ''Gross'', add the word ''register'';

■ b. Add, in alphabetical order, the definitions of ''Line of the normal frames'', ''Line of the ordinary frames'', ''Normal frame'', ''Ordinary frame'', ''Tonnage interval'', ''Tonnage station'', ''Water ballast double bottom'', and ''Zone of influence method'' to read as set forth below;

■ c. In the definition of ''Net tonnage'', after the word ''Net'', add the word ''register''; and
■ d. Revise the definitions of ''Superstructure'' and ''Uppermost complete deck'' to read as set forth below.

§ 69.103 Definitions.

* * * * *

Line of the normal frames means the imaginary horizontal line that connects the inboard faces of the smallest normal frames.

Line of the ordinary frames means the line of intersection of the imaginary surface or surfaces tangent to the inboard faces of the ordinary frames (or the inside of the vessel's skin, if there are no ordinary frames), and the imaginary plane running transversely through the vessel at the tonnage station of interest.

* * * * *

Normal frame means a frame, regardless of size, used to stiffen a structure.

Ordinary frame means a primary side or bottom frame or floor used for strengthening the hull.

* * * * *

Superstructure means all permanently closed-in structures, including all portable enclosed spaces, on or above the line of the uppermost complete deck or, if the vessel has a shelter deck, on or above the line of the shelter deck. Examples of superstructure spaces include forecastles, bridges, poops, deckhouses, breaks, portable tanks, and modular quarters units.

* * * * *

Tonnage interval means the longitudinal distance between transverse sections of a vessel's under-deck, between-deck, or superstructure when divided into an even number of equal parts for purposes of volume integration.

* * * * *

Tonnage station means the longitudinal location of each transverse section where breadth and depth measurements are taken when calculating under-deck volumes under this subpart. Tonnage stations are numbered consecutively from fore to aft, beginning with the number one.

Uppermost complete deck is defined in § 69.108 of this subpart.

Water ballast double bottom means a space at the bottom of a vessel between the inner and outer bottom plating, used solely for water ballast.

Zone of influence method means a Simpson's first rule integration method for determining volumes of under-deck spaces that limits the sectional areas associated with these spaces to the sectional areas at adjacent under-deck tonnage stations, depending on their proximity to those stations. For stations for which the under-deck sectional areas are multiplied by four, the zone of influence extends two-thirds of a tonnage interval on either side of the under-deck station, and for the remaining stations, the zone of influence extends one-third of a tonnage interval on either side of the station.

§ 69.105 [Amended]

■ 30. Amend § 69.105 paragraph (d) by removing the words ''and year'', and, after the word ''built'', adding the words ''and delivery date (or scheduled delivery date)''.
■ 31. Amend § 69.107 as follows:
■ a. Revise the section heading, paragraph (a) introductory text, and paragraph (b) to read as set forth below; and
■ b. Add paragraph (c).

§ 69.107 Gross and net register tonnage.

(a) The vessel's gross register tonnage is the sum of the following tonnages, less the tonnages of certain spaces exempt under § 69.117:

* * * * *

(b) The vessel's net register tonnage is the gross register tonnage less deductions under §§ 69.119 and 69.121.

(c) The authorized measurement organization must issue a U.S. Tonnage Certificate as evidence of a vessel's measurement under this subpart, which must also indicate the vessel's measurement under subpart B of this part, if applicable. There is no requirement to maintain the U.S. Tonnage Certificate on board the vessel.
■ 32. Add § 69.108 to read as follows:

§ 69.108 Uppermost complete deck.

(a) *Defined.* ''Uppermost complete deck'' means the uppermost deck which extends from stem to stern and from side to side at all points of its length and is bound by the vessel's hull.

(b) *Restrictions.* The uppermost complete deck must not—

(1) Extend above any space exempted as open space under paragraph (d) of § 69.117;

(2) Extend below the design waterline, except in the case of vessels such as submersibles, where the entire uppermost complete deck is submerged during normal operations; or

(3) Rest directly on consecutive or alternating ordinary bottom frames or floors for a distance of over one-half of the tonnage length.

(c) *Deck discontinuities.* Decking athwartships of the following deck discontinuities is not considered to be part of the uppermost complete deck:

(1) Through-deck openings that are not protected from the sea and the weather, such as would be provided by hatch covers or a surrounding superstructure that encloses the opening and whose area is more than 10 percent of the total deck area from stem to stern as viewed from above.

(2) Middle line openings conforming to the requirements of § 69.117(e)(2).

(3) Deck recesses that are not through-hull for which the depth of the deck recess at its deepest point is more than 5 feet below adjacent portions of the deck, and whose area (as viewed from above) is more than 10 percent of the total deck area from stem to stern, as viewed from above.

(4) Notches bound by a deck below that wrap around from the ends to the sides of the vessel for which the depth at the deepest point is more than 5 feet below adjacent portions of the deck, the area is more than 1 percent of the total deck area from stem to stern as viewed from above, the length of the notch in the direction of the vessel's longitudinal axis exceeds 10 feet at any point across its width, and the width of the notch in the direction of the vessel's longitudinal axis exceeds 2 feet at any point along its length.
■ 33. Amend § 69.109 as follows:
■ a. In paragraph (c) after the words ''two or less'', ''more than two'', and ''is the second'', add the word ''enumerated'';
■ b. Revise paragraphs (d), (e)(2), (f)(2), (n), and (o)(1) to read as set forth below;
■ c. Add paragraphs (f)(4) and (p) to read as set forth below;
■ d. In paragraph (f)(1), after the words ''inboard face of the'', add the word ''ordinary'';
■ e. In paragraph (g)(2), after the words ''division of the tonnage length'' add the words '', whose location is referred to as a tonnage station, and assigned sequential tonnage station numbers, beginning at the stem'';
■ f. In paragraph (h)(1) remove the word ''cellular'' and add, in its place, the words ''water ballast'', and in paragraphs (h)(2) and (h)(3), after the words ''tank top of a'', add the words ''water ballast'';
■ g. In paragraph (i)(3), after the words ''Where there is no'', add the words ''water ballast'';
■ h. In paragraph (i)(4) remove the word ''certerline'' and add, in its place, the word ''centerline''; and
■ i. In paragraph (m), after the words ''six inches in height in its'', add the words ''water ballast''.

§ 69.109 Under-deck tonnage.

* * * * *

(d) *Enumerating the decks to identify the second deck from the keel.* The

uppermost complete deck is an enumerated deck. Decks below the uppermost complete deck that extend from stem to stern and side to side at all points along their lengths are also enumerated, provided they are not disqualified by either of the following deck discontinuities:

(1) A through-deck opening that is not fitted with a cover (or equivalent) and whose area is more than 10 percent of the total deck area, as viewed from above.

(2) A deck recess that is not through-hull for which the depth at its deepest point is more than 5 feet below adjacent portions of the deck and whose area as viewed from above is more than 10 percent of the total deck area from stem to stern, as viewed from above.

(e) * * *

(2) If the tonnage deck is stepped, the line of the tonnage deck is the longitudinal line of the underside of the lowest portion of that deck parallel with the upper portions of that deck. Steps that do not extend from side to side or are less than 3 feet in length are ignored when establishing the line of the tonnage deck. (See § 69.123, figures 1 and 2.) Spaces between the line of the tonnage deck and the higher portions of that deck are not included in under-deck tonnage.

(f) * * *

(2) For a vessel having a headblock or square end with framing which extends from the tonnage deck to the bottom of the vessel, the tonnage length terminates on the inboard face of the headblock or ordinary end frames. (See § 69.123, figure 4.)

* * * * *

(4) The forward and after termini of the tonnage length must be a distance of no more than 8½ feet from the associated inboard surface of the skin of the hull at the bow and stern as measured at the centerline of the vessel, and the after terminus must not be forward of the centerline of the rudderstock.

* * * * *

(n) *Spaces open to the sea.* In calculating the tonnage of spaces below the uppermost complete deck, subtract from each breadth measurement the portion of that measurement that spans a space, or a portion thereof, that is open to the sea.

(o) * * *

(1) An open vessel is a vessel without an uppermost complete deck.

* * * * *

(p) General requirements on ordinary frames.

(1) *Construction.* An ordinary frame must not be penetrated by an intersecting frame used to strengthen the vessel's hull, except in a vessel of wooden construction. Ordinary frames must be of the same material, or have the same material properties, as the adjacent hull, and attach to the adjacent hull to at least the same extent as adjacent ordinary and normal frames. If comprised of different elements, the elements must be joined to each other to the same extent that the frame is joined to the hull. The frame, or portions thereof, not meeting these requirements must be treated as if not there when establishing the line of the ordinary frames.

(2) *Frame spacing and extension.* Ordinary frames used to establish the line of the ordinary frames must be spaced on centers that are a maximum of 4 feet apart. These frames must extend for a length of at least one tonnage interval that begins at, ends at, or crosses the associated tonnage station. For a longitudinally-framed vessel, the frames must begin and end at a transverse ordinary frame or at the vessel's hull.

(3) *Different sized framing.* When an ordinary frame has a different depth of frame than an adjacent ordinary frame, the line of ordinary frames is established using the set of alternating frames that yields the smallest sectional area at the associated tonnage station, with the sectional area based on the frame with the smallest depth of frame in the chosen alternating set.

(4) *Frame openings.* If an opening in an ordinary frame exceeds an area of 255 square inches (345 square inches in a fuel tank), or is penetrated by a frame other than an ordinary frame, the line of the ordinary frames is established as if the frame material above and inboard of the opening is not there. Similarly, frame material separating adjacent openings that are within the longest linear dimension of either opening must be treated as if not there when establishing the line of the ordinary frames.

(5) *Asymmetrical framing.* Where ordinary frames are configured such that the line of the ordinary frames would be asymmetrical about the centerline of the vessel, breadth measurements are determined by taking half-breadths on the side of the vessel that yields the greatest sectional area at the associated tonnage station, and multiplying those half-breadths by a factor of two to yield the full breadths.

■ 34. Amend § 69.111 as follows:

■ a. Revise paragraph (b)(2) to read as set forth below;

■ b. In paragraph (c)(1), remove the words ''inboard face of the normal side frames'' and add, in their place, the words ''normal frames''; and

■ c. In paragraph (c)(3), remove the words ''between the faces of the normal side frames''; and after the words ''of the space'', add the words ''to the line of the normal frames''.

§ 69.111 Between-deck tonnage.

* * * * *

(b) * * *

(2) If the uppermost complete deck is stepped, the line of the uppermost complete deck is the longitudinal line of the underside of the lowest portion of that deck parallel with the upper portions of that deck. Steps that do not extend from side to side or are less than 3 feet in length are ignored when establishing the line of the uppermost complete deck. Spaces between the line of the uppermost complete deck and the higher portions of the deck are included in superstructure tonnage.

* * * * *

■ 35. Amend § 69.113 as follows:

■ a. Revise paragraphs (a) and (b)(1) to read as set forth below;

■ b. In paragraph (b)(3), after the words ''inside breadth'', add the words ''to the line of the normal frames''; and

■ c. In paragraph (f), add a sentence to the end of the paragraph to read as set forth below.

§ 69.113 Superstructure tonnage.

(a) *Defined.* ''Superstructure tonnage'' means the tonnage of all superstructure spaces.

(b) * * *

(1) Measure the length of each structure along its centerline at mid-height to the line of the normal frames. (See § 69.123, figure 11.)

* * * * *

(f) * * * All measurements are terminated at the line of the normal frames.

■ 36. Revise § 69.115(c) to read as follows:

§ 69.115 Excess hatchway tonnage.

* * * * *

(c) From the sum of the tonnage of the hatchways under this section, subtract one-half of one percent of the vessel's gross register tonnage exclusive of the hatchway tonnage. The remainder is added as excess hatchway tonnage in calculating the gross register tonnage.

■ 37. Amend § 69.117 as follows:

■ a. Revise the section heading and paragraphs (c)(3), (d)(1), (d)(2) introductory text, and (d)(2)(i) to read as set forth below;

■ b. In paragraph (a), remove the word ''gross'';

■ c. Remove paragraphs (c)(4) and (f)(4)(iii);

■ d. Redesignate paragraphs (f)(4)(iv) through (f)(4)(ix) to (f)(4)(iii) through (f)(4)(viii), respectively;
■ e. In paragraph (d)(3) introductory text, after the text ''(d)(2)(i)'', add the text '', (d)(2)(ii), and''; remove the word ''through''; and add as the last sentence, ''The following additional requirements apply:'';
■ f. Add paragraphs (d)(3)(i), (d)(3)(ii), and (d)(8) to read as set forth below;
■ g. In paragraphs (d)(5)(ii) and (d)(6)(iii), after the words ''tightly against the'', add the words ''weather side of the'';
■ h. In paragraph (d)(7), remove the initial word ''A'', and add, in its place, the words ''Notwithstanding the opening size requirements of paragraph(d)(2) of this section, a'';
■ i. In paragraph (e) introductory text, remove the words ''next lower deck'' and add, in their place, the words ''uppermost complete deck'';
■ j. In paragraph (e)(1), remove the words ''next lower deck'', and add, in their place, ''uppermost complete deck'', and after the words ''exempt from'', delete the word ''gross'';
■ k. In paragraph (e)(2)(v), add as the last sentence, ''Battening, caulking, seals, or gaskets of any material may not be used in association with any middle line opening cover.'';
■ l. In paragraph (f) introductory text, remove the word ''gross'';
■ m. In paragraph (f)(4), after the words ''to be exempted from'', remove the word ''gross'', and after the words ''percent of the vessel's gross'', add the word ''register'';
■ n. In paragraph (f)(5), add as the last sentence, ''Changes in vessel service must also be reported if a water ballast justification was required to be submitted for the vessel.''; and
■ o. In paragraph (g)(3), after the words ''under-deck was divided'', add the words '', and the zone of influence method must be applied if the ordinary frames upon which the under-deck breadth measurements are based do not have the same depth of frame''.

§ 69.117 Spaces exempt from inclusion in tonnage.

* * * * *

(c) * * *

(3) A passenger space located on, or above the first deck above the uppermost complete deck is exempt from tonnage. To qualify as the first deck above the uppermost complete deck, the deck must be at least 6 inches above the uppermost complete deck at all points along its length.

(d) * * *

(1) Structures that are located on or above the line of the uppermost complete deck that are under cover (sheltered), but open to the weather are exempt from tonnage as open space. The following additional requirements apply:

(i) If a structure is divided into compartments, only those compartments which are open to the weather are exempt from tonnage under the provisions of this section.

(ii) Open space cannot progress vertically through openings in a deck within the structure.

(iii) A space that is outside a structure's boundary bulkhead as defined in § 69.53 is considered open to the weather provided the space is eligible to be treated as an excluded space under the provisions of § 69.61, regardless of whether or not the space is fitted with means designed for securing cargo or stores.

(2) A structure is considered open to the weather when an exterior end bulkhead of the structure is open and, except as provided in paragraphs (d)(4), (d)(5), and (d)(6) of this section, is not fitted with any means of closing. To be considered open to the weather, the end bulkhead must not have a coaming height of more than 2 feet in way of any required opening nor any permanent obstruction within 2½ feet of the opening, it must be fitted with a deck or platform that is a minimum of 2½ feet wide on the exterior side of the opening, and it must have one of the following:

(i) Two openings, each at least 3 feet wide and at least 4 feet high in the clear, one on each side of the centerline of the structure. If the openings lead to two separate interior compartments, there must be circulation of open space between the two compartments via a single such opening, or series of such openings, in the intermediate bulkhead(s).

* * * * *

(3) * * *

(i) For the interior compartment to be considered open to the weather, any compartment or series of compartments from which the open space progresses must have an opening or openings meeting the requirements for end bulkhead openings, except that the opening(s) need not be located in the forward or after end of the compartment.

(ii) Open space may not progress from a space that is open under the provisions of paragraph (d)(1)(iii) of this section unless the space may also be considered open under another provision of this section.

* * * * *

(8) A structure is considered open to the weather if—

(i) Both sides of the structure are open and not fitted with any means of closing other than temporary covers meeting the requirements of paragraphs (d)(4), (d)(5), and (d)(6) of this section;

(ii) The openings are directly across from each other, are not separated by a bulkhead or bulkheads, and do not have any permanent obstruction within 2½ feet of either opening; and

(iii) The openings have a continuous height of at least 3 feet, or the full height of the structure, whichever is less, and either extend the full length of the structure or each have an area of 60 square feet.

* * * * *

§ 69.119 [Amended]

■ 38. Amend § 69.119 as follows:

■ a. In the section heading and paragraph (a), remove the word ''gross''; and

■ b. In paragraphs (d) and (m), after the word ''gross'', add the word ''register''.

■ 39. Amend § 69.121 as follows:

■ a. In paragraphs (a), (b)(2)(vii), (d)(3), (e)(1), (e)(2)(i) through (e)(2)(iii), and (e)(3)(i) through (e)(3)(iii), after the word ''gross'', wherever it appears, add the word ''register''; and in paragraphs (e)(2)(iii) and (e)(3)(iii), remove the words ''vessel's owner'' and add, in their place, the words ''vessel owner''; and

■ b. In paragraph (b)(1), remove the word ''gross'', wherever it appears; and

■ c. Revise paragraph (d)(1) to read as follows:

§ 69.121 Engine room deduction.

* * * * *

(d) * * *

(1) Under § 69.117(b)(4), framed-in spaces located above the line of the uppermost complete deck and used for propelling machinery or for admitting light or air to a propelling machinery space are exempt from inclusion in tonnage. However, upon written request to a measurement organization listed in § 69.15, the vessel owner may elect to have these spaces included in calculating the gross register tonnage, then deducted from the gross register tonnage as propelling machinery spaces under paragraph (b)(2)(viii) of this section when calculating the net register tonnage.

■ 40. In § 69.123, revise Figures 1–14 to read as follows:

BILLING CODE 9110–04–P

§ 69.123 Figures.

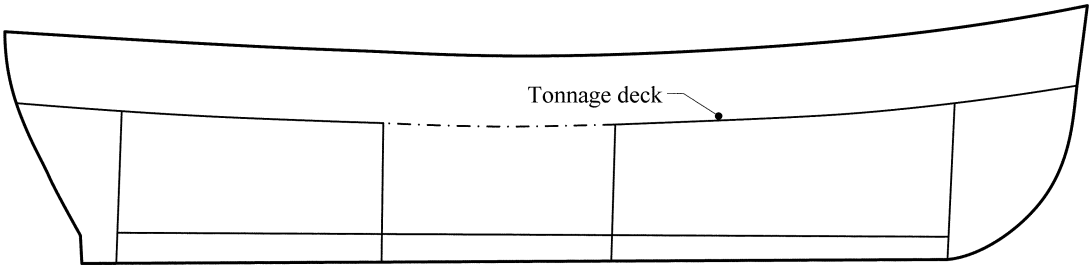

Figure 1

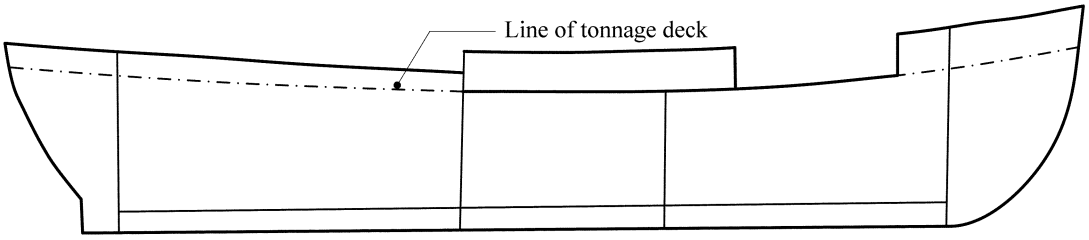

Figure 2

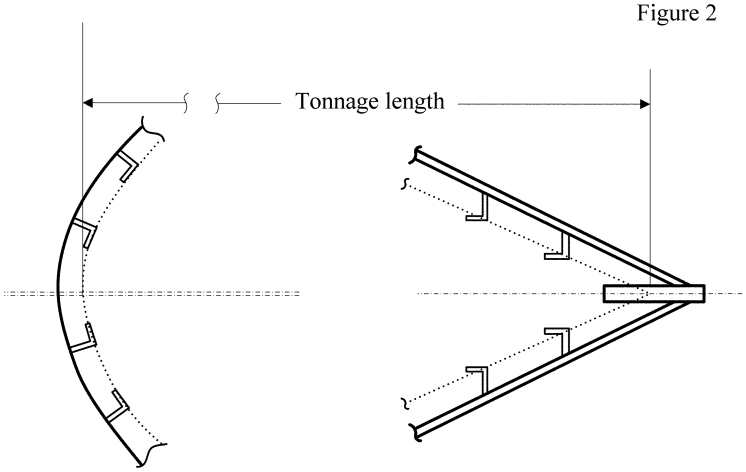

Figure 3

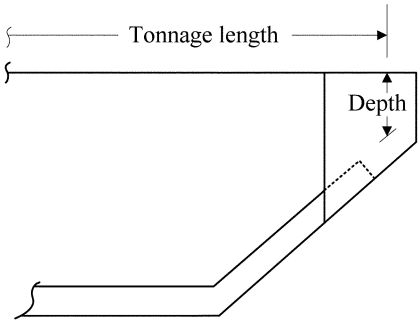

Figure 4

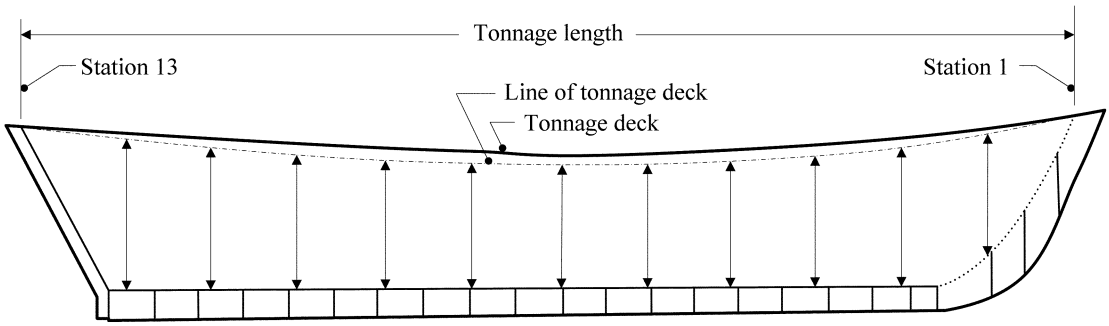

Figure 5

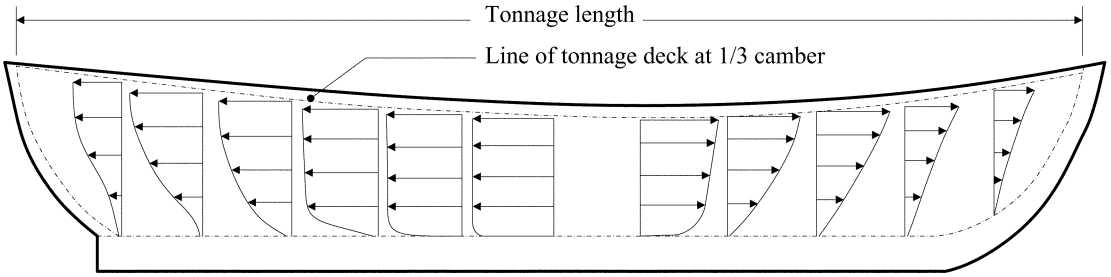

Figure 6

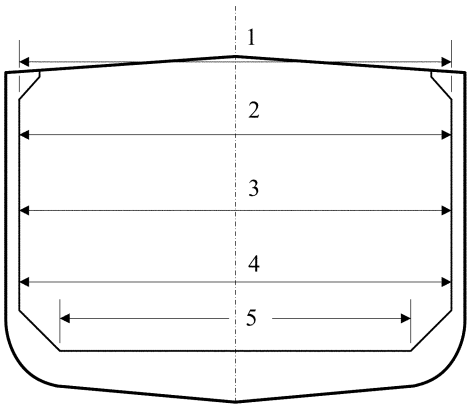

Figure 7

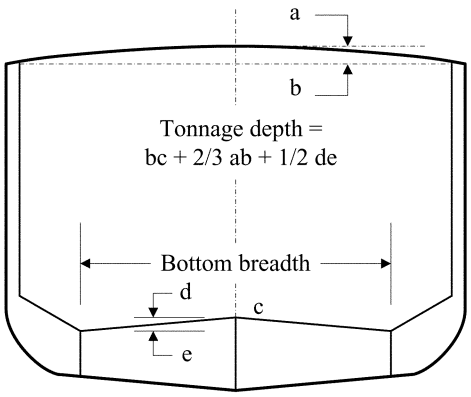

Figure 8

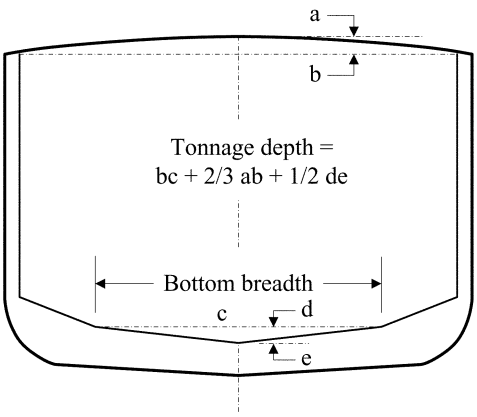

Figure 9

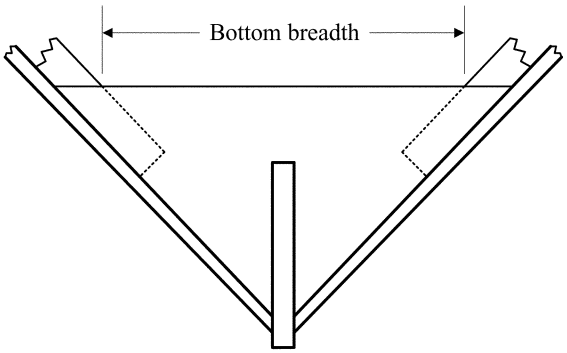

Figure 10

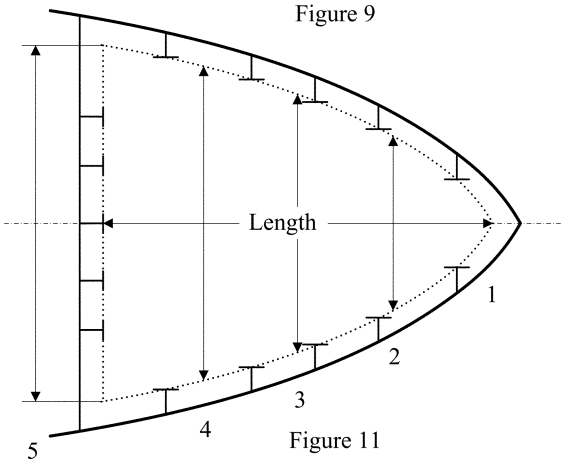

Figure 11

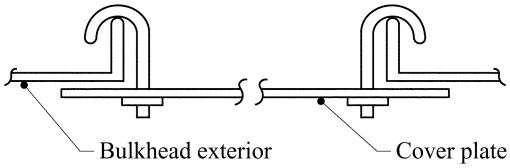

Figure 12

H = Height of main space.
H' = Height between crown and upper deck.
L/A = Light or air space above the upper deck.

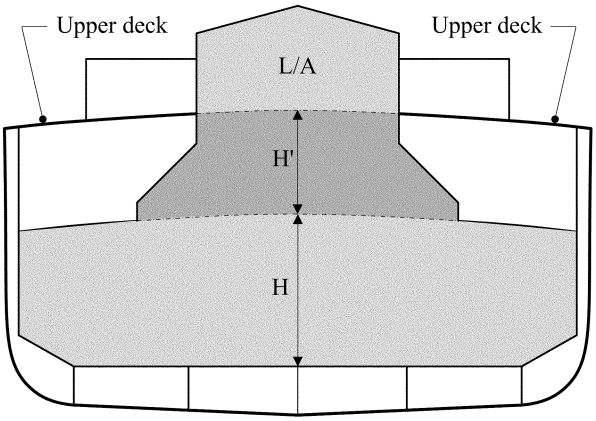

Figure 13

H = Height of main space.
H' = Height between crown and upper deck.
L/A = Light or air space above the upper deck.

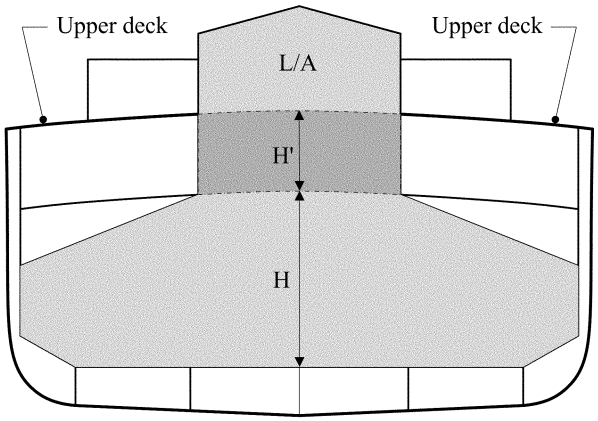

Figure 14

BILLING CODE 9110–04–C

Subpart D—Dual Regulatory Measurement System

■ 41. Revise the heading of subpart D to read as shown above.

§ 69.151 [Amended]

■ 42. In § 69.151, after the words ''one net'' and ''two net'', add the word ''register'', and remove the words ''the Dual Measurement System'' and add, in their place, the words ''this subpart''.

§ 69.153 [Amended]

■ 43. In § 69.153, after the words ''two gross'' and ''higher gross'', add the word ''register''.

§ 69.155 [Amended]

■ 44. In § 69.155, remove the words ''the Dual Measurement System'' and add, in their place, the words ''this subpart'' and remove the words ''the Standard Measurement System in''.

§ 69.157 [Amended]

■ 45. In § 69.157, in the definitions of ''Gross tonnage'' and ''Net tonnage'', before the word ''tonnage'', add the word ''register''.

§ 69.159 [Amended]

■ 46. In § 69.159, remove the words ''for the Standard Measurement System''.

■ 47. Amend § 69.161 as follows:

■ a. Revise the section heading to read as set forth below;

■ b. In paragraphs (a) introductory text, (a)(5), and (b), after the word ''gross'', add the word ''register'';

■ c. In paragraph (b) after the word ''net'' add the word ''register''; and

■ d. Add paragraph (c) to read as follows:

§ 69.161 Gross and net register tonnages.

* * * * *

(c) The authorized measurement organization must issue a U.S. Tonnage Certificate as evidence of a vessel's measurement under this subpart, which must also indicate the vessel's measurement under subpart B of this part, if applicable. There is no requirement to maintain the U.S. Tonnage Certificate on board the vessel.

§ 69.163 [Amended]

■ 48. In § 69.163, remove the words ''the dual Measurement System'' and add, in their place, the words ''this subpart''.

§ 69.165 [Amended]

■ 49. In § 69.165, remove the words ''the dual Measurement System'' and add, in their place, the words ''this subpart''.

§ 69.167 [Amended]

■ 50. In § 69.167, remove the words ''the dual Measurement System'' and add, in their place, the words ''this subpart''.

§ 69.169 [Amended]

■ 51. Amend § 69.169 as follows:

■ a. In the section heading, remove the word ''gross''.

■ b. In § 69.169, remove the word ''gross'', wherever it appears.

§ 69.173 [Amended]

■ 52. In § 69.173, before the word ''tonnage'', wherever it appears, add the word ''register''.

§ 69.175 [Amended]

■ 53. Amend § 69.175 as follows:

■ a. In paragraph (a), after the words ''two net'', add the word ''register''; and remove the words ''one net tonnage'', and add, in their place, the words ''one net register tonnage corresponding to the lower gross and net register tonnages'';

■ b. In paragraph (b), after the words ''two net'', add the word ''register''; and

■ c. In paragraph (c), after the words ''low net'', add the word ''register'', and after the words ''On these vessels,'' add the words ''a load line must be assigned at a level below the line of the second deck, and''.

§ 69.177 [Amended]

■ 54. Amend § 69.177 as follows:

■ a. In paragraph (a)(1), remove the words ''the Dual Measurement System'' and add, in their place, the words ''this subpart'';

■ b. In paragraph (a)(6)(i), after the words ''one net'', add the word ''register'';

■ c. In paragraph (c), after the word ''two net'', add the word ''register''; and

■ d. In paragraph (d), after the words ''side of the vessel'' add the words '', except in the case of a freeboard deck line mark placed at the location of the second deck if the second deck is the actual freeboard deck for purposes of a vessel's load line assignment''.

■ 55. In § 69.181, revise Examples (1) and (2) to read as follows:

§ 69.181 Locating the line of the second deck.

* * * * *

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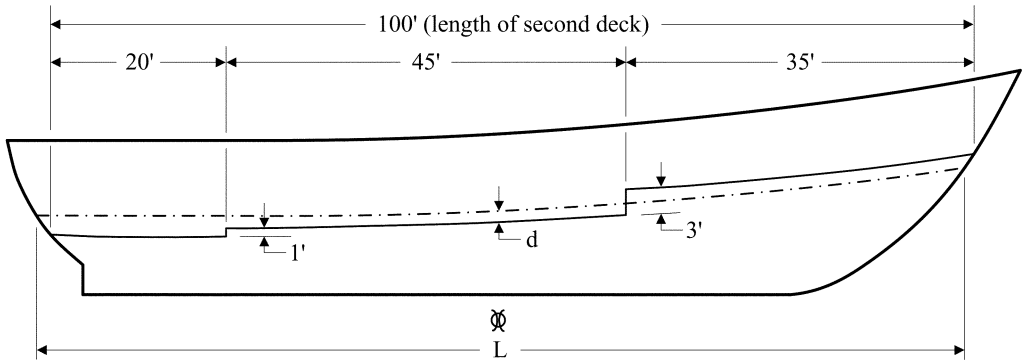
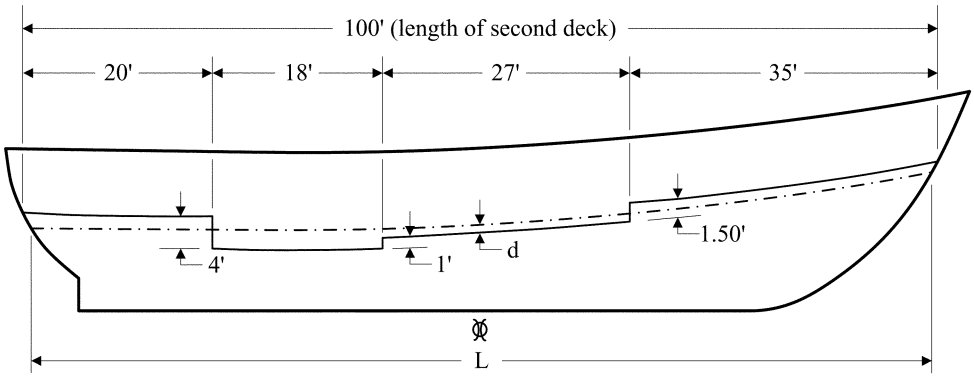
Example: (1)



L = Length of the line of the second deck.
d = Distance from amidship portion of second deck to line of second deck.

$$d = \frac{35 \times 3}{100} - \frac{20 \times 1}{100} = +0.85 \text{ feet.}$$

Example: (2)

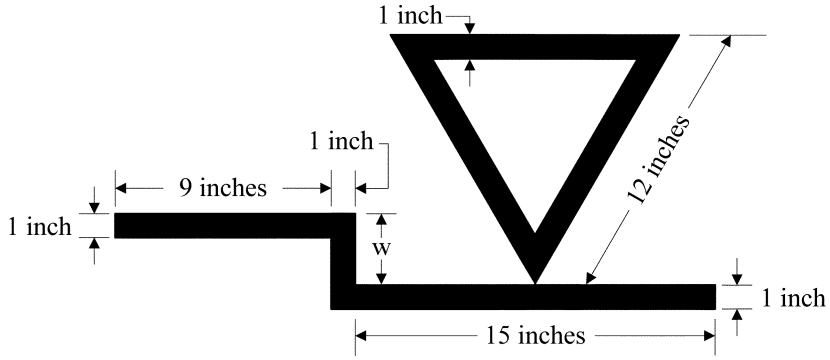


$$d = \frac{20 \times 3}{100} + \frac{35 \times 1.5}{100} - \frac{18 \times 1}{100} = +0.945 \text{ feet.}$$

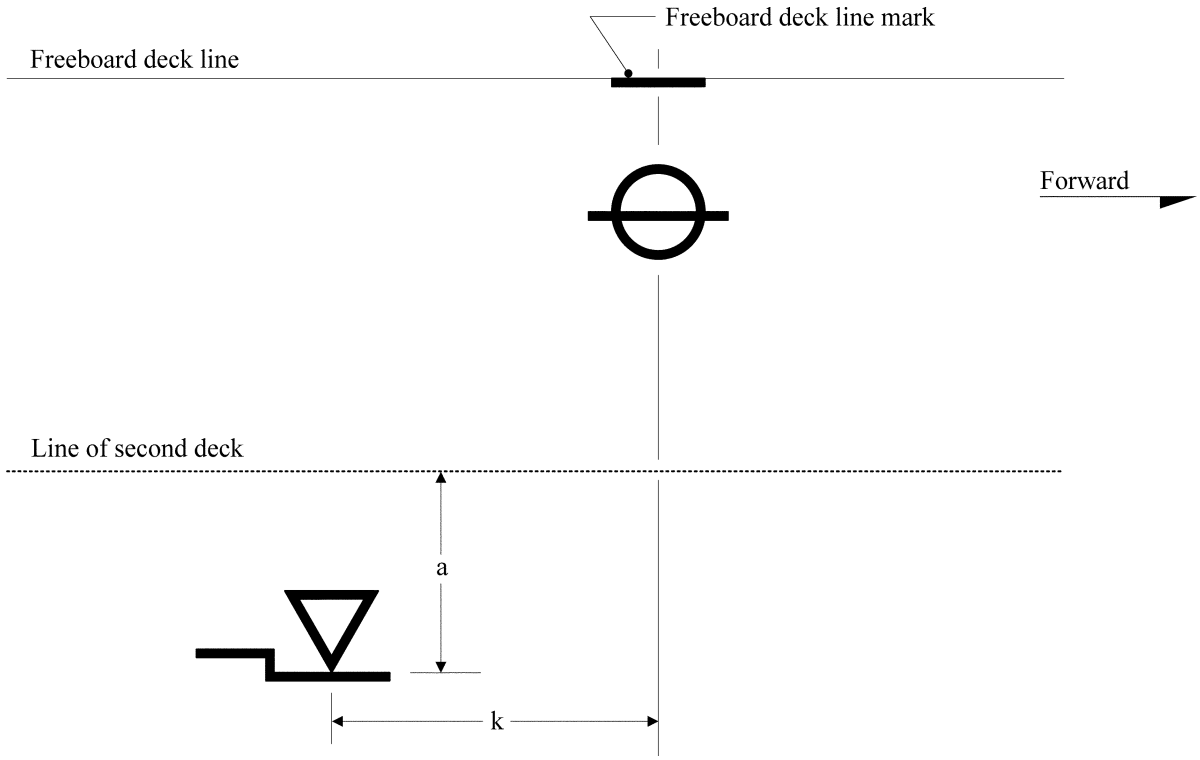
■ 56. In § 69.183(a), (b), and (c), revise the images to read as follows:

§ 69.183 Figures.

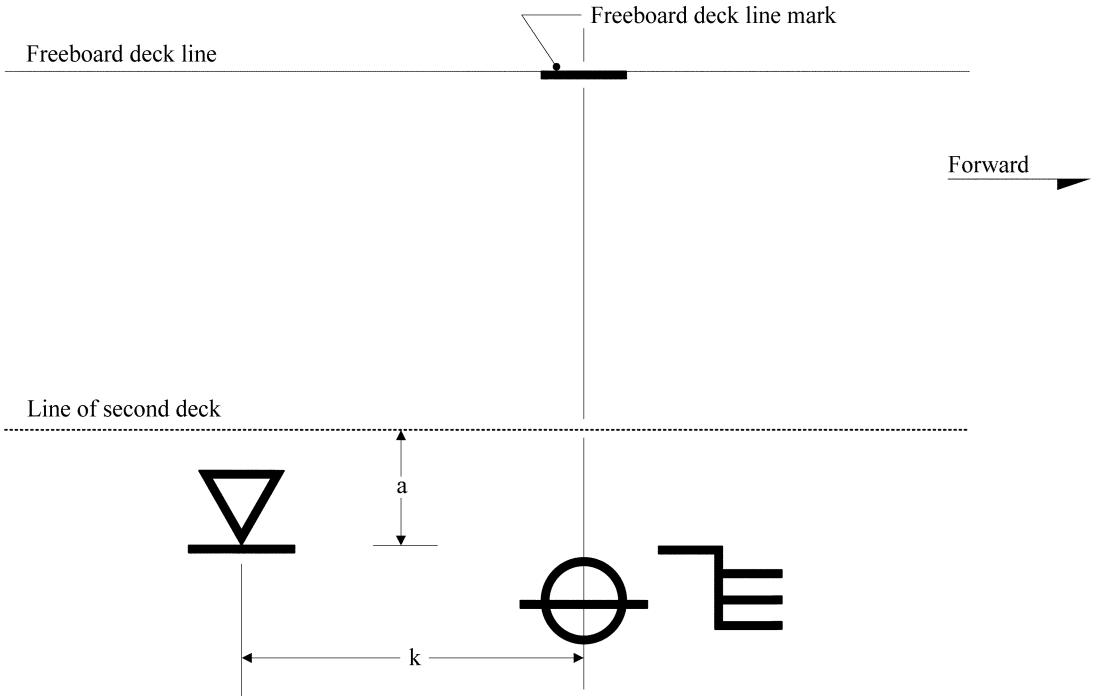
(a) * * *



(b) * * *



(c) * * *



BILLING CODE 9110–04–C

Subpart E—Simplified Regulatory Measurement System

■ 57. Revise the heading to Subpart E to read as shown above.

§ 69.201 [Amended]

■ 58. In § 69.201, after the word ''Simplified'' and before the word ''Measurement'', add the word ''Regulatory''.

■ 59. Revise § 69.205 to read as follows:

§ 69.205 Application for measurement services.

(a) Except as noted under paragraph (c) of this section, to apply for measurement under this subpart, the vessel owner must complete an Application for Simplified Measurement (form CG–5397). If the vessel is documented, or intended to be documented, as a vessel of the United States under part 67 of this chapter, the vessel owner must submit the application form to the National Vessel Documentation Center. Otherwise, the form is not further processed, but may be retained, at the vessel owner's option, as evidence of the tonnage measurement under this part.

(b) The Application for Simplified Measurement (form CG–5397) must include the following information:

(1) Vessel's name and number (e.g., official number, International Maritime Organization (IMO) number, Coast Guard number).

(2) Vessel hull identification number or other number assigned by builder.

(3) Hull material.

(4) Hull shape.

(5) Overall length, breadth, and depth of vessel and each of the vessel's individual hulls.

(6) Location of any propelling machinery (e.g., inside or outside of the hull).

(7) Dimensions of the principal deck structure, if its volume exceeds the volume of the hull.

(c) At the vessel owner's option, a Builder's Certification and First Transfer of Title (form CG–1261) which includes the same information specified in paragraph (b) of this section may be submitted to the National Vessel Documentation Center instead of the Application for Simplified Measurement for a vessel that is documented, or intended to be documented, as a vessel of the United States under part 67 of this chapter.

§ 69.207 [Amended]

■ 60. In § 69.207(a), remove the word ''half''; and remove the text ''.05'' and add, in its place, the word ''tenth''.

■ 61. Amend § 69.209 as follows:

■ a. Revise the section heading to read as set forth below;

■ b. In paragraph (a), after the word ''gross'', wherever it appears, add the word ''register'';

■ c. In paragraphs (b) introductory text, (b)(1)(i), (b)(1)(ii), and (b)(2), after the words ''net'' and ''gross'', wherever they appear, add the word ''register''; and

■ d. Add paragraph (c) to read as follows:

§ 69.209 Gross and net register tonnages.

* * * * *

(c) *Certification of measurement.* For a vessel that is documented as a vessel of the United States under part 67 of this chapter, the vessel's Certificate of Documentation serves as evidence of measurement under this subpart. For all other vessels, a completed Application for Simplified Measurement (form CG–5397) serves as evidence of the tonnage measurement under this part.

■ 62. Add § 69.211 to read as follows:

§ 69.211 Treatment of novel type vessels.

Refer questions regarding the application of the tonnage measurement rules under this subpart to novel type vessels to the Commandant.

Dated: March 25, 2014.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2014–07321 Filed 4–7–14; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL REGISTER

Vol. 79 Tuesday,

No. 67 April 8, 2014

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 92

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2014 Season; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2013–0109; [FF09M21200–123–FXMB1231099BPP0L2]

RIN 1018–BA02

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2014 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is establishing migratory bird subsistence harvest regulations in Alaska for the 2014 season. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. The rulemaking is necessary because the regulations governing the subsistence harvest of migratory birds in Alaska are subject to annual review. This rulemaking establishes region-specific regulations that go into effect on April 8, 2014, and expire on August 31, 2014.

DATES: The amendments to subpart A of 50 CFR part 92 are effective May 8, 2014, and the amendments to subpart D of 50 CFR part 92 are effective April 8, 2014, through August 31, 2014.

FOR FURTHER INFORMATION CONTACT: Donna Dewhurst, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 786–3499.

SUPPLEMENTARY INFORMATION:

Why is this rulemaking necessary?

This rulemaking is necessary because, by law, the migratory bird harvest season is closed unless opened by the Secretary of the Interior, and the regulations governing subsistence harvest of migratory birds in Alaska are subject to public review and annual approval. This rule establishes regulations for the taking of migratory birds for subsistence uses in Alaska during the spring and summer of 2014. This rule also sets forth a list of migratory bird season openings and closures in Alaska by region.

How do I find the history of these regulations?

Background information, including past events leading to this rulemaking, accomplishments since the Migratory Bird Treaties with Canada and Mexico were amended, and a history, was originally addressed in the **Federal Register** on August 16, 2002 (67 FR 53511) and most recently on February 21, 2013 (78 FR 11988).

Recent **Federal Register** documents, which are all final rules setting forth the annual harvest regulations, are available at *http://alaska.fws.gov/ambcc/regulations.htm* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

What is the process for issuing regulations for the subsistence harvest of migratory birds in Alaska?

The U.S. Fish and Wildlife Service (Service or we) is establishing migratory bird subsistence harvest regulations in Alaska for the 2014 season. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives.

We opened the process to establish regulations for the 2014 spring and summer subsistence harvest of migratory birds in Alaska in a proposed rule published in the **Federal Register** on April 9, 2013 (78 FR 21200), to amend 50 CFR part 20. While that proposed rule primarily addressed the regulatory process for hunting migratory birds for all purposes throughout the United States, we also discussed the background and history of Alaska subsistence regulations, explained the annual process for their establishment, and requested proposals for the 2014 season. The rulemaking processes for both types of migratory bird harvest are related, and the April 9, 2013, proposed rule explained the connection between the two.

The Alaska Migratory Bird Co-management Council (Co-management Council) held meetings on April 3–4, 2013, to develop recommendations for changes that would take effect during the 2014 harvest season. These recommendations were presented first to the Pacific Flyway Council and then to the Service Regulations Committee (SRC) at the committee's meeting on July 23–25, 2013.

On December 11, 2013, we published in the **Federal Register** (78 FR 75321) a proposed rule that provided our proposed migratory bird subsistence harvest regulations in Alaska for the 2014 season.

Who is eligible to hunt under these regulations?

Eligibility to harvest under the regulations established in 2003 was limited to permanent residents, regardless of race, in villages located within the Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, and in areas north and west of the Alaska Range (50 CFR 92.5). These geographical restrictions opened the initial migratory bird subsistence harvest to about 13 percent of Alaska residents. High-populated, roaded areas such as Anchorage, the Matanuska-Susitna and Fairbanks North Star boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, and Southeast Alaska were excluded from eligible subsistence harvest areas.

Based on petitions requesting inclusion in the harvest, in 2004, we added 13 additional communities based on criteria set forth in 50 CFR 92.5(c). These communities were Gulkana, Gakona, Tazlina, Copper Center, Mentasta Lake, Chitina, Chistochina, Tatitlek, Chenega, Port Graham, Nanwalek, Tyonek, and Hoonah, with a combined population of 2,766. In 2005, we added three additional communities for glaucous-winged gull egg gathering only, based on petitions requesting inclusion. These southeastern communities were Craig, Hydaburg, and Yakutat, with a combined population of 2,459, based on the latest census information at that time.

In 2007, we enacted the Alaska Department of Fish and Game's request to expand the Fairbanks North Star Borough excluded area to include the Central Interior area. This action excluded the following communities from participation in this harvest: Big Delta/Fort Greely, Healy, McKinley Park/Village, and Ferry, with a combined population of 2,812.

In 2012, we received a request from the Native Village of Eyak to include Cordova, Alaska, for a limited season that would legalize the traditional gathering of gull eggs and the hunting of waterfowl during spring.

What is different in the region-specific regulations for 2014?

In 2011, we received a request by the Fairbanks Native Association asking that regulations be developed to allow residents who live in excluded areas be able to participate in the spring/summer subsistence migratory bird harvest. This would permit tribal members currently

living in excluded areas to openly and traditionally continue their Native hunting practices and provide for the cultural and traditional needs for spring/summer waterfowl. This proposal request was tabled by the Co-management Council until exact wording could be worked out. Language was subsequently proposed to amend 50 CFR 92.5, Subpart D, and recommended for passage by the Co-management Council at their April 2013 meeting.

Upon legal review by the Department of the Interior's Office of the Solicitor and the Service's Law Enforcement Division, the language was amended by the Service working with the Co-management Council's Invitation Subcommittee. The primary legal concerns were deviations from the language in the Letter of Submittal for the Protocol Amendment to the Migratory Bird Treaty Act de-emphasizing that the purpose of allowing residents who live in excluded areas to be able to participate in the spring/summer subsistence migratory bird harvest is to assist immediate family members still residing in a village in an included area. This revision was approved via phone poll by the Co-management Council in July 2013. The revised language was approved by the SRC on July 25, 2013, and is set forth in this final rule at 50 CFR 92.5(d).

In 2012, the Native Village of Eyak requested to add residents of Cordova, Alaska, onto the list of included subsistence communities based on criteria set forth in 50 CFR 92.5(c). They stated that this would allow for the legal traditional gathering of gull eggs and early season hunting of migratory waterfowl (and cranes) by residents for subsistence. The Copper River barrier islands afford a traditional location for gull egg gathering and early spring migratory waterfowl hunting. The harvest season requested is in Prince William Sound Game Management Units 6C and 6D (barrier islands only), to open a waterfowl hunting season, April 2 through 30, and a gull egg gathering season, May 1 through 31, primarily for the residents of Cordova. Special registration permits, available from the Cordova offices of the Native Village of Eyak and the U.S. Forest Service, will be required, and hunting will be prohibited from boats or all-terrain vehicles (ATVs). The Native Village of Eyak worked closely with the Service's Migratory Bird Management Office to restrict harvest to protect and conserve dusky Canada geese, trumpeter swans, and shorebirds. The special registration permits described above will help ensure harvesting is conducted only by residents of included areas. The SRC approved inclusion of Cordova at their meeting on July 25, 2013, and this addition is set forth in this final rule at 50 CFR 92.31(j)(2).

How will the service ensure that the subsistence harvest will not raise overall migratory bird harvest or threaten the conservation of endangered and threatened species?

We have monitored subsistence harvest for the past 25 years through the use of household surveys in the most heavily used subsistence harvest areas, such as the Yukon-Kuskokwim Delta. In recent years, more intensive surveys combined with outreach efforts focused on species identification have been added to improve the accuracy of information gathered from regions still reporting some subsistence harvest of listed or candidate species.

Spectacled and Steller's Eiders

Spectacled eiders *(Somateria fischeri)* and the Alaska-breeding population of Steller's eiders *(Polysticta stelleri)* are listed as threatened species. Their migration and breeding distribution overlap with areas where the spring and summer subsistence migratory bird hunt is open in Alaska. Both species are closed to hunting, although harvest surveys and Service documentation indicate both species have been taken in several regions of Alaska.

The Service has dual objectives and responsibilities for authorizing a subsistence harvest while protecting migratory birds and threatened species. Although these objectives continue to be challenging, they are not irreconcilable, provided that regulations continue to protect threatened species, measures to address documented threats are implemented, and the subsistence community and other conservation partners commit to working together. With these dual objectives in mind, the Service, working with North Slope partners, developed measures in 2009, to further reduce the potential for shooting mortality or injury of closed species. These conservation measures included: (1) Increased waterfowl hunter outreach and community awareness through partnering with the North Slope Migratory Bird Task Force; (2) continued enforcement of the migratory bird regulations that are protective of listed eiders; and (3) in-season Service verification of the harvest to detect taking of any threatened eider species.

This final rule continues to focus on the North Slope from Barrow to Point Hope because Steller's eiders from the listed Alaska breeding population are known to breed and migrate there. These regulations are designed to address several ongoing eider management needs by clarifying for subsistence users that (1) Service law enforcement personnel have authority to verify species of birds possessed by hunters, and (2) it is illegal to possess any species of bird closed to harvest. This rule also describes how the Service's existing authority of emergency closure will be implemented, if necessary, to protect Steller's eiders. We are always willing to discuss regulations with our partners on the North Slope to ensure protection of closed species as well as provide subsistence hunters an opportunity to harvest migratory birds in a way that maintains the culture and traditional harvest of the community. The regulations pertaining to bag checks and possession of illegal birds are deemed necessary to verify that no closed eider species are taken during the legal subsistence hunt.

The Service is aware of and appreciates the considerable efforts by North Slope partners to raise awareness and educate hunters on Steller's eider conservation via the bird fair, meetings, radio shows, signs, school visits, and one-on-one contacts. We also recognize that no listed eiders have been documented shot from 2009 through 2012, even though Steller's eiders nested in the Barrow area from 2010 through 2013. One Steller's eider and one spectacled eider were found shot during the summer of 2013, both incidents were investigated by the Service. The Service acknowledges progress made with the other eider conservation measures including partnering with the North Slope Migratory Bird Task Force for increased waterfowl hunter awareness, continued enforcement of the regulations, and in-season verification of the harvest. Our primary strategy to reduce the threat of shooting mortality of threatened eiders is to continue working with North Slope partners to conduct education, outreach, and harvest monitoring. In addition, the emergency closure authority provides another level of assurance if an unexpected amount of Steller's eider shooting mortality occurs (50 CFR 92.21 and 50 CFR 92.32).

In-season harvest monitoring information will be used to evaluate the efficacy of regulations, conservation measures, and outreach efforts. Conservation measures are being continued by the Service and the North Slope Borough, with the amount of effort and emphasis being based on regulatory adherence. Specifically, local communities have continued to develop

greater responsibility for taking actions to ensure Steller's and spectacled eider conservation and recovery. Based on last year's observations, local hunters have demonstrated greater compliance with hunting regulations.

The longstanding general emergency closure provision at 50 CFR 92.21 specifies that the harvest may be closed or temporarily suspended upon finding that a continuation of the regulation allowing the harvest would pose an imminent threat to the conservation of any migratory bird population. With regard to Steller's eiders, the regulation at 50 CFR 92.32, carried over from the past 4 years, clarifies that we will take action under 50 CFR 92.21 as is necessary to prevent further take of Steller's eiders, and that action could include temporary or long-term closures of the harvest in all or a portion of the geographic area open to harvest. If mortality of threatened eiders occurs, we will evaluate each mortality event by criteria such as cause, quantity, sex, age, location, and date. We will consult with the Co-management Council when we are considering an emergency closure. If we determine that an emergency closure is necessary, we will design it to minimize its impact on the subsistence harvest.

Yellow-Billed Loon

Yellow-billed loons (*Gavia adamsii*) are a candidate species for listing under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Their migration and breeding distribution overlaps with where the spring and summer migratory bird hunt is open in Alaska. Yellow-billed loons are closed to hunting, but harvest surveys have indicated that on the North Slope and St. Lawrence Island some take does occur. Most of the yellow-billed loons reported impacted on the North Slope were found to be entangled loons salvaged from subsistence fishing nets as described below. The Service will continue outreach efforts in both areas in 2014, engaging partners to decrease the take of yellow-billed loons.

Consistent with the request of the North Slope Borough Fish and Game Management Committee and the recommendation of the Co-management Council, this rule continues the provisions originally established in 2005, to allow subsistence use of yellow-billed loons inadvertently entangled in subsistence fishing (gill) nets on the North Slope. Yellow-billed loons are culturally important to the Inupiat Eskimo of the North Slope for use in traditional dance regalia. A maximum of 20 yellow-billed loons will be allowed to be kept if found entangled in fishing nets in 2014, under this provision. This provision does not authorize intentional harvest of yellow-billed loons, but allows use of those loons inadvertently entangled during normal subsistence fishing activities.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act (16 U.S.C. 1536) requires the Secretary of the Interior to ''review other programs administered by him and utilize such programs in furtherance of the purposes of the Act'' and to ''insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. . . .'' We conducted an intra-agency consultation with the Service's Fairbanks Fish and Wildlife Field Office on this harvest as it will be managed in accordance with this final rule and the conservation measures. The consultation was completed with a biological opinion dated February 13, 2014, that concluded the final rule and conservation measures are not likely to jeopardize the continued existence of Steller's eider, spectacled eider, or yellow-billed loon or result in the destruction or adverse modification of designated critical habitat for Steller's eider or spectacled eider.

Summary of Public Involvement

On December 11, 2013, we published in the **Federal Register** a proposed rule (78 FR 75321) to establish spring and summer migratory bird subsistence harvest regulations in Alaska for the 2014 subsistence season. The proposed rule provided for a public comment period of 60 days, ending February 10, 2014. We posted an announcement of the comment period dates for the proposed rule, as well as the rule itself and related historical documents, on the Co-management Council's Internet homepage. We issued a press release announcing our request for public comments and the pertinent deadlines for such comments, which was faxed to the media statewide in Alaska. Additionally, all documents were available on *http://www.regulations.gov*. The Service received three comments, two from members of the public and one from a government agency.

Response to Public Comments

Comment: We received one general comment on the overall regulations that expressed strong opposition to the concept of allowing any harvest of migratory birds in Alaska.

Service Response: For centuries, indigenous inhabitants of Alaska have harvested migratory birds for subsistence purposes during the spring and summer months. The Canada and Mexico migratory bird treaties were amended for the express purpose of allowing subsistence hunting for migratory birds during the spring and summer. The amendments indicate that the Service should issue regulations allowing such hunting as provided by the Migratory Bird Treaty Act; see 16 U.S.C. 712(1). Please refer to Statutory Authority section, below, for more details.

Comment: We received one comment stating that the rules and regulations involved prevent this harvest from being an open door for the public to kill migratory birds.

Service Response: The Service appreciates the understanding that this is a regulated harvest program with migratory bird conservation as the primary mandate, while also allowing for the continuation of customary and traditional subsistence uses of migratory birds.

Comment: We received one comment requesting that, under the proposed change to allow permanent residents from excluded areas to be invited to participate in the subsistence harvest, we add a clarification of the process to also notify affected other Federal agencies when persons are invited to villages within their jurisdiction.

Service Response: In this final rule, we add a statement to the end of 50 CFR 92.5 to clarify the notification procedures for affected Federal land management agencies.

Effective Date

The amendments to subpart D of 50 CFR part 92 will take effect less than 30 days after publication (see **DATES** section, above). If there were a delay in the effective date of this rule, subsistence hunters would not be able to take full advantage of their subsistence hunting opportunities. We therefore find that ''good cause'' exists justifying the earlier start date, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–712).

Statutory Authority

We derive our authority to issue these regulations from the Migratory Bird Treaty Act of 1918, at 16 U.S.C. 712(1), which authorizes the Secretary of the Interior, in accordance with the treaties with Canada, Mexico, Japan, and Russia, to ''issue such regulations as may be

necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.''

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. This final rule legalizes a pre-existing subsistence activity, and the resources harvested will be consumed.

Small Business Regulatory Enforcement Fairness Act

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

(a) Will not have an annual effect on the economy of $100 million or more. It legalizes and regulates a traditional subsistence activity. It will not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns. The commodities that are regulated under this final rule are migratory birds. This rule deals with legalizing the subsistence harvest of migratory birds and, as such, does not involve commodities traded in the marketplace. A small economic benefit from this final rule will derive from the sale of equipment and ammunition to carry out subsistence hunting. Most, if not all, businesses that sell hunting equipment in rural Alaska qualify as small businesses. We have no reason to believe that this final rule will lead to a disproportionate distribution of benefits.

(b) Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This final rule does not deal with traded commodities and, therefore, does not have an impact on prices for consumers.

(c) 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. This final rule deals with the harvesting of wildlife for personal consumption. It does not regulate the marketplace in any way to generate effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) that this final rule will not impose a cost of $100 million or more in any given year on local, State, or tribal governments or private entities. The final rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required. Participation on regional management bodies and the Co-management Council requires travel expenses for some Alaska Native organizations and local governments. In addition, they assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than $300,000 per year. In a notice of decision (65 FR 16405; March 28, 2000), we identified 7 to 12 partner organizations (Alaska Native nonprofits and local governments) to administer the regional programs. The Alaska Department of Fish and Game also incurs expenses for travel to Co-management Council and regional management body meetings. In addition, the State of Alaska will be required to provide technical staff support to each of the regional management bodies and to the Co-management Council. Expenses for the State's involvement may exceed $100,000 per year, but should not exceed $150,000 per year. When funding permits, we make annual grant agreements available to the partner organizations and the Alaska Department of Fish and Game to help offset their expenses.

Takings (Executive Order 12630)

Under the criteria in Executive Order 12630, this final rule will not have significant takings implications. This final rule is not specific to particular land ownership, but applies to the harvesting of migratory bird resources throughout Alaska. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. We discuss effects of this final rule on the State of Alaska in the Unfunded Mandates Reform Act section above. We worked with the State of Alaska to develop these final regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this final rule, has determined that it will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Government-to-Government Relations With Native American Tribal Governments

Consistent with Executive Order 13175 (65 FR 67249; November 6, 2000), ''Consultation and Coordination with Indian Tribal Governments'', and Department of Interior policy on Consultation with Indian Tribes (December 1, 2011), in December 2013, we sent letters via electronic mail to all 229 Alaska Federally recognized Indian tribes. Consistent with Congressional direction (Pub. L. 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Pub. L. 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267), we also sent letters to approximately 200 Alaska Native corporations and other tribal entities in Alaska soliciting their input as to

whether or not they would like the Service to consult with them on the 2014 migratory bird subsistence harvest regulations. We received no responses, nor any requests for consultation.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They develop recommendations for, among other things: Seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, and habitat protection. The management bodies involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we required each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet twice annually to review and/or submit proposals to the Statewide body.

Paperwork Reduction Act

This final rule has been examined under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and does not contain any new collections of information that require Office of Management and Budget (OMB) approval. OMB has renewed our collection of information associated with the voluntary annual household surveys used to determine levels of subsistence take. The OMB control number is 1018–0124, which expires June 30, 2016. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.) Consideration

The annual regulations and options are considered in the environmental assessment, ''Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2014 Spring/Summer Harvest,'' dated September 20, 2013. Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT** or at *http://www.regulations.gov.*

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This is not a significant regulatory action under this Executive Order; it allows only for traditional subsistence harvest and improves conservation of migratory birds by allowing effective regulation of this harvest. Further, this final rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action under Executive Order 13211, and no Statement of Energy Effects is required.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, we amend title 50, chapter I, subchapter G, of the Code of Federal Regulations as follows:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

■ 1. The authority citation for part 92 continues to read as follows:

Authority: 16 U.S.C. 703–712.

Subpart A—General Provisions

■ 2. Amend § 92.5 by revising paragraph (d) to read as follows:

§ 92.5 Who is eligible to participate?

* * * * *

(d) *Participation by permanent residents of excluded areas.* Immediate family members who are residents of excluded areas may participate in the customary spring and summer subsistence harvest in a village's subsistence area with permission of the village council, to assist indigenous inhabitants in meeting their nutritional and other essential needs or for the teaching of cultural knowledge. A letter of invitation will be sent by the village council to the hunter with a copy to the Executive Director of the Co-management Council, who will inform law enforcement and the Service's Co-management Council coordination office within 2 working days. The Service will then inform any affected Federal agency when residents of excluded areas are allowed to participate in the subsistence harvest within their Federal lands.

Subpart D—Annual Regulations Governing Subsistence Harvest

■ 3. Amend subpart D by adding § 92.31 to read as follows:

§ 92.31 Region-specific regulations.

The 2014 season dates for the eligible subsistence harvest areas are as follows:

(a) *Aleutian/Pribilof Islands Region.*

(1) Northern Unit (Pribilof Islands):

(i) Season: April 2–June 30.

(ii) Closure: July 1–August 31.

(2) Central Unit (Aleutian Region's eastern boundary on the Alaska Peninsula westward to and including Unalaska Island):

(i) Season: April 2–June 15 and July 16–August 31.

(ii) Closure: June 16–July 15.

(iii) Special Black Brant Season Closure: August 16–August 31, only in Izembek and Moffet lagoons.

(iv) Special Tundra Swan Closure: All hunting and egg gathering closed in units 9(D) and 10.

(3) Western Unit (Umnak Island west to and including Attu Island):

(i) Season: April 2–July 15 and August 16–August 31.

(ii) Closure: July 16–August 15.

(b) *Yukon/Kuskokwim Delta Region.*

(1) Season: April 2–August 31.

(2) Closure: 30-day closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. This 30-day period will occur between June 1 and August 15 of each year. A press release announcing the actual closure dates will be forwarded to regional newspapers and radio and television stations.

(3) Special Black Brant and Cackling Goose Season Hunting Closure: From the period when egg laying begins until young birds are fledged. Closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. A press release announcing the actual closure dates will be forwarded to regional newspapers and radio and television stations.

(c) *Bristol Bay Region.*

(1) Season: April 2–June 14 and July 16–August 31 (general season); April 2–July 15 for seabird egg gathering only.

(2) Closure: June 15–July 15 (general season); July 16–August 31 (seabird egg gathering).

(d) *Bering Strait/Norton Sound Region.*

(1) Stebbins/St. Michael Area (Point Romanof to Canal Point):

(i) Season: April 15–June 14 and July 16–August 31.

(ii) Closure: June 15–July 15.

(2) Remainder of the region:

(i) Season: April 2–June 14 and July 16–August 31 for waterfowl; April 2–July 19 and August 21–August 31 for all other birds.

(ii) Closure: June 15–July 15 for waterfowl; July 20–August 20 for all other birds.

(e) *Kodiak Archipelago Region*, except for the Kodiak Island roaded area, which is closed to the harvesting of migratory birds and their eggs. The closed area consists of all lands and waters (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest.

(1) Season: April 2–June 30 and July 31–August 31 for seabirds; April 2–June 20 and July 22–August 31 for all other birds.

(2) Closure: July 1–July 30 for seabirds; June 21–July 21 for all other birds.

(f) *Northwest Arctic Region.*

(1) Season: April 2–June 9 and August 15–August 31 (hunting in general); waterfowl egg gathering May 20–June 9 only; seabird egg gathering May 20–July 12 only; hunting molting/non-nesting waterfowl July 1–July 31 only.

(2) Closure: June 10–August 14, except for the taking of seabird eggs and molting/non-nesting waterfowl as provided in paragraph (f)(1) of this section.

(g) *North Slope Region.*

(1) Southern Unit (Southwestern North Slope regional boundary east to Peard Bay, everything west of the longitude line 158°30′ W and south of the latitude line 70°45′ N to the west bank of the Ikpikpuk River, and everything south of the latitude line 69°45′ N between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 2–June 29 and July 30–August 31 for seabirds; April 2–June 19 and July 20–August 31 for all other birds.

(ii) Closure: June 30–July 29 for seabirds; June 20–July 19 for all other birds.

(iii) Special Black Brant Hunting Opening: From June 20–July 5. The open area consists of the coastline, from mean high water line outward to include open water, from Nokotlek Point east to longitude line 158°30′ W. This includes Peard Bay, Kugrua Bay, and Wainwright Inlet, but not the Kuk and Kugrua river drainages.

(2) Northern Unit (At Peard Bay, everything east of the longitude line 158°30′ W and north of the latitude line 70°45′ N to west bank of the Ikpikpuk River, and everything north of the latitude line 69°45′ N between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 6–June 6 and July 7–August 31 for king and common eiders; April 2–June 15 and July 16–August 31 for all other birds.

(ii) Closure: June 7–July 6 for king and common eiders; June 16–July 15 for all other birds.

(3) Eastern Unit (East of eastern bank of the Sagavanirktok River):

(i) Season: April 2–June 19 and July 20–August 31.

(ii) Closure: June 20–July 19.

(4) All Units: Yellow-billed loons. Annually, up to 20 yellow-billed loons total for the region may be inadvertently entangled in subsistence fishing nets in the North Slope Region and kept for subsistence use.

(5) North Coastal Zone (Cape Thompson north to Point Hope and east along the Arctic Ocean coastline around Point Barrow to Ross Point, including Iko Bay, and 5 miles inland).

(i) No person may at any time, by any means, or in any manner, possess or have in custody any migratory bird or part thereof, taken in violation of subpart C and D of this part.

(ii) Upon request from a Service law enforcement officer, hunters taking, attempting to take, or transporting migratory birds taken during the subsistence harvest season must present them to the officer for species identification.

(h) *Interior Region.*

(1) Season: April 2–June 14 and July 16–August 31; egg gathering May 1–June 14 only.

(2) Closure: June 15–July 15.

(i) *Upper Copper River Region* (Harvest Area: Units 11 and 13) (Eligible communities: Gulkana, Chitina, Tazlina, Copper Center, Gakona, Mentasta Lake, Chistochina and Cantwell).

(1) Season: April 15–May 26 and June 27–August 31.

(2) Closure: May 27–June 26.

(3) The Copper River Basin communities listed above also documented traditional use harvesting birds in Unit 12, making them eligible to hunt in this unit using the seasons specified in paragraph (h) of this section.

(j) *Gulf of Alaska Region.*

(1) Prince William Sound Area West (Harvest area: Unit 6[D]), (Eligible Chugach communities: Chenega Bay, Tatitlek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(2) Prince William Sound Area East (Harvest area: Units 6[C]and [B]—Barrier Islands between Strawberry Channel and Softtuk Bar), (Eligible Chugach communities: Cordova):

(i) Season: April 2–April 30 (hunting); May 1–May 31 (gull egg gathering).

(ii) Closure: May 1–August 31 (hunting); April 2–30 and June 1–August 31 (gull egg gathering).

(iii) Species Open for Hunting: Greater white-fronted goose; snow goose; gadwall; Eurasian and American wigeon; blue-winged and green-winged teal; mallard; northern shoveler; northern pintail; canvasback; redhead; ring-necked duck; greater and lesser scaup; king and common eider; harlequin duck; surf, white-winged, and black scoter; long-tailed duck; bufflehead; common and Barrow's goldeneye; hooded, common, and red-breasted merganser; and sandhill crane. Species open for egg gathering: glaucous-winged, herring, and mew gulls.

(iv) Use of Boats/All-Terrain Vehicles: No hunting from motorized vehicles or any form of watercraft.

(v) Special Registration: All hunters or egg gatherers must possess an annual permit, which is available from the Cordova offices of the Native Village of Eyak and the U. S. Forest Service.

(3) Kachemak Bay Area (Harvest area: Unit 15[C] South of a line connecting the tip of Homer Spit to the mouth of Fox River) (Eligible Chugach Communities: Port Graham, Nanwalek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(k) *Cook Inlet* (Harvest area: Portions of Unit 16[B] as specified below) (Eligible communities: Tyonek only):

(1) Season: April 2–May 31—That portion of Unit 16(B) south of the Skwentna River and west of the Yentna River, and August 1–31—That portion of Unit 16(B) south of the Beluga River, Beluga Lake, and the Triumvirate Glacier.

(2) Closure: June 1–July 31.

(l) *Southeast Alaska.*

(1) Community of Hoonah (Harvest area: National Forest lands in Icy Strait and Cross Sound, including Middle Pass Rock near the Inian Islands, Table Rock in Cross Sound, and other traditional locations on the coast of Yakobi Island. The land and waters of Glacier Bay National Park remain closed to all subsistence harvesting (50 CFR part 100.3(a)):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(2) Communities of Craig and Hydaburg (Harvest area: Small islands and adjacent shoreline of western Prince of Wales Island from Point Baker to Cape Chacon, but also including Coronation and Warren islands):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(3) Community of Yakutat (Harvest area: Icy Bay (Icy Cape to Point Riou), and coastal lands and islands bordering the Gulf of Alaska from Point Manby southeast to Dry Bay):

(i) Season: Glaucous-winged gull egg gathering: May 15–June 30.

(ii) Closure: July 1–August 31.

■ 4. Amend subpart D by adding § 92.32 to read as follows:

§ 92.32 Emergency regulations to protect Steller's eiders.

Upon finding that continuation of these subsistence regulations would pose an imminent threat to the conservation of threatened Steller's eiders *(Polysticta stelleri),* the U.S. Fish and Wildlife Service Alaska Regional Director, in consultation with the Co-management Council, will immediately under § 92.21 take action as is necessary to prevent further take. Regulation changes implemented could range from a temporary closure of duck hunting in a small geographic area to large-scale regional or Statewide long-term closures of all subsistence migratory bird hunting. These closures or temporary suspensions will remain in effect until the Regional Director, in consultation with the Co-management Council, determines that the potential for additional Steller's eiders to be taken no longer exists.

Dated: March 27, 2014

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–07824 Filed 4–7–14; 8:45 am]

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Tuesday, April 8, 2014

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