AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 79 Thursday,
No. 74 April 17, 2014

Pages 21581–21844

OFFICE OF THE FEDERAL REGISTER

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 79, No. 74

Thursday, April 17, 2014

Agriculture Department
See Animal and Plant Health Inspection Service
See Commodity Credit Corporation
See Forest Service

Animal and Plant Health Inspection Service
RULES
Quarantined Areas and Regulated Articles:
Pine Shoot Beetle, 21595–21597
Quarantined Areas:
Ohio; Asian Longhorned Beetle, 21598

Army Department
NOTICES
Privacy Act; Systems of Records, 21742–21743

Centers for Disease Control and Prevention
NOTICES
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 21759–21760
Statement of Organization, Functions, and Delegations of Authority, 21760–21763

Centers for Medicare & Medicaid Services
NOTICES
Medicare Programs:
Comprehensive End-Stage Renal Disease Care Initiative, 21763

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21763–21764
Meetings:
Native Americans Administration; Tribal Consultation, 21764–21765

Coast Guard
RULES
Drawbridge Operations:
New Jersey Intracoastal Waterway, Barnegat Bay, Seaside Heights, NJ, 21626–21628
Tennessee River, Decatur, AL, 21628–21629
Upper Mississippi River, Rock Island, IL, 21626
Safety Zones:
Lucas Oil Drag Boats Racing Series; Lake Havasu City, AZ, 21629–21631
PROPOSED RULES
Special Local Regulations:
Beaufort Water Festival; Beaufort, SC, 21661–21663
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21782–21784

Commerce Department
See Economic Development Administration
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Commodity Credit Corporation
NOTICES
Funding Availability:
Emerging Markets Program, 21711–21714
Foreign Market Development Cooperator Program, 21716–21718
Technical Assistance for Specialty Crops Program, 21714–21716

Defense Department
See Army Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21738
Charter Renewals:
Defense Advisory Committee on Military Personnel Testing, 21739–21740
Defense Advisory Committee on Women in the Services, 21738–21739
Federal Advisory Committee Terminations:
Defense Intelligence Agency Advisory Board, 21741
Meetings:
Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces, 21741–21742

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Economic Development Administration
NOTICES
Trade Adjustment Assistance; Petitions, 21731

Education Department
PROPOSED RULES
Technical Assistance on State Data Collection, IDEA Data Management Center; Priorities, 21663–21668
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Measures and Methods for the National Reporting System for Adult Education, 21743–21744

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Charter Renewals:
Environmental Management Site-Specific Advisory Board, 21744
Exclusive Patent Licenses:
Soil Water Monitoring Systems, LLC, 21744–21745

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Arkansas and Louisiana; Clean Air Interstate Rule State Implementation Plan Revisions, 21631–21635

PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Arkansas and Louisiana; Clean Air Interstate Rule State Implementation Plan Revisions, 21668–21669
Idaho; 2010 Nitrogen Dioxide and 2010 Sulfur Dioxide National Ambient Air Quality Standards; Infrastructure Requirements, 21669–21679
Oregon; Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards, 21679–21691

Export-Import Bank
NOTICES
Applications for Long-Term Loan or Financial Guarantee in Excess of $100 million, 21757

Farm Credit Administration
RULES
Compensation, Retirement Programs, and Related Benefits; CFR Correction, 21598

Federal Aviation Administration
RULES
Amendment of Class D and Class E Airspace:
Traverse City, MI, 21598–21600
Amendment of Class E Airspace:
Holdrege, NE, 21600
Amendment of VOR Federal Airways:
V–35 and V–276; Eastern United States, 21601
Establishment of Class E Airspace:
Warsaw, MO, 21601–21602
Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures:
Miscellaneous Amendments, 21602–21606
PROPOSED RULES
Airworthiness Directives:
Airbus Airplanes, 21651–21655
The Boeing Company Airplanes, 21648–21651, 21655–21658
NOTICES
Delegations of Authority, 21832–21833
Meetings:
RTCA Special Committee 213, Enhanced Flight Vision Systems/Synthetic Vision Systems, 21833

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21757–21758

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 21758

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21745–21747
Applications:
American Midstream, LLC (Midla), 21750
Green Energy Storage Corp., 21747
Mojave Pipeline Company, LLC; Kern River Gas Transmission Co., 21750–21751
Public Utility District No. 1 of Snohomish County, 21748–21749
Texas Eastern Transmission, LP, 21747–21748
Complaints:
CITGO Petroleum Corp. v. Enterprise TE Products Pipeline Co., LLC, 21751–21752
Sunflower Electric Power Corp. v. Kansas Municipal Energy Agency; Southwest Power Pool, Inc., 21752
Declaratory Order Petitions:
Upper Peninsula Power Co.; Integrys Energy Group, Inc.; Balfour Beatty Infrastructure Partners GP Ltd.; Declaratory Order, 21752
Environmental Assessments; Availability, etc.:
Tennessee Gas Pipeline Co., LLC, and National Fuel Gas Supply Corp.; Niagara Expansion Project, etc., 21752–21754
Hydroelectric Applications; Environmental Site Review:
Merced Irrigation District, 21754–21755
Meetings:
Erie Boulevard Hydropower, LP, and St. Regis Mohawk Tribe; License Transfer, etc.; Teleconference, 21755
Requests under Blanket Authorization:
Equitrans, LP, 21756–21757
WBI Energy Transmission, Inc., 21756

Federal Railroad Administration
RULES
Locomotive Safety Standards; CFR Correction, 21636

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 21758

Fish and Wildlife Service
NOTICES
Final Revised Maps; Availability:
John H. Chafee Coastal Barrier Resources System; Delaware, North Carolina, South Carolina, Florida, and Texas, 21787–21791

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Cosmetic Labeling Regulations, 21766–21767
Customer/Partner Service Surveys, 21765–21766
Recordkeeping and Records Access Requirements for Food Facilities, 21767–21768
Authorization of Emergency Use of an In Vitro Diagnostic Device for Detection of Novel Influenza A (H7N9) Virus; Availability, 21768–21776
Draft Guidance:
Live Case Presentations During Investigational Device Exemption Clinical Trials, 21776–21777
Guidance for Industry and Staff:
Endotoxin Testing Recommendations for Single-Use Intraocular Ophthalmic Devices, 21777–21778

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 21843

Foreign-Trade Zones Board
NOTICES
Authorizations of Production Activity:
Revlon Consumer Products Corp.; Foreign-Trade Subzone 93G, Oxford, NC, 21731

Forest Service
NOTICES
Additional Seasonal and Year-Round Recreation Activities at Ski Areas, 21718–21730
Meetings:
Ozark–Ouachita Resource Advisory Committee, 21730–21731

General Services Administration
PROPOSED RULES
Acquisition Regulations:
Purchasing by Non-Federal Entities, 21691–21695

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
NOTICES
Meetings:
Stakeholder Listening Session in Preparation for the 67th World Health Assembly, 21759

Homeland Security Department
See Coast Guard
See U.S. Citizenship and Immigration Services
NOTICES
Determinations Of Cyber Criticality; Infrastructures And Processes, 21780–21782

Housing and Urban Development Department
NOTICES
Promise Zones Initiative; Proposed Second Round Selection Process, 21785–21787

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
See Ocean Energy Management Bureau

Internal Revenue Service
RULES
Returns of Information of Brokers and Barter Exchanges; Furnishing Statement Required With Respect to Certain Substitute Payments; CFR Correction, 21617

International Trade Administration
NOTICES
Antidumping Duty Changed Circumstances Reviews; Results, Extensions, Amendments, etc.:
Certain New Pneumatic Off-the-Road Tires from the People's Republic of China, 21731–21733
Meetings:
Civil Nuclear Trade Advisory Committee, 21733

International Trade Commission
PROPOSED RULES
Rules of General Application, 21658–21661

Justice Department
NOTICES
Consent Decrees under the Clean Water Act; Extension of Public Comment Period, 21808

Labor Department
See Workers Compensation Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act, 21809–21810

Land Management Bureau
NOTICES
Meetings:
California Desert District Advisory Council, 21791–21792

Marine Mammal Commission
NOTICES
Meetings; Sunshine Act, 21811

National Highway Traffic Safety Administration
NOTICES
Importation Eligibility; Petitions:
Nonconforming 2007–2010 Mercedes-Benz S-Class Passenger Cars, 21833–21835
Nonconforming 2012 Mercedes-Benz S-Class Passenger Cars are Eligible for Importation, 21835–21836
Petitions for Inconsequential Noncompliance; Approvals:
Ford Motor Company, 21836–21838

National Institutes of Health
NOTICES
Charter Renewals:
National Science Advisory Board for Biosecurity, 21778
Meetings:
National Institute of Allergy and Infectious Diseases, 21780
National Institute Of Allergy and Infectious Diseases, 21778–21779
National Institute of Biomedical Imaging and Bioengineering, 21779
National Institute of Diabetes and Digestive and Kidney Diseases, 21779
National Institute Of Environmental Health Sciences, 21780

National Oceanic and Atmospheric Administration
RULES
Fisheries off West Coast States:
Pacific Coast Groundfish Fishery Management Plan; Commercial Groundfish Fishery Management Measures; Rockfish Conservation Area Boundaries for Vessels Using Bottom Trawl Gear, 21639–21647
Separate Annual Catch Limits and Accountability Measures; Blueline Tilefish:
South Atlantic Region, 21636–21639
PROPOSED RULES
Introduced Species:
Gulf of the Farallones and Monterey Bay National Marine Sanctuaries, 21658
Modifications to Fishing Activities:
Bottlenose Dolphin Take Reduction Plan; Sea Turtle Conservation, 21695–21710
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Economic Surveys of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands Small Boat-based Fisheries, 21734–21735
Emergency Beacon Registrations, 21733–21734
Applications:
Marine Mammals; File No. 18438, 21735
Permits:
Marine Mammals; File No. 17030, 21735–21736

State Coastal Management Programs; Evaluations, 21736

National Park Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Procedures for State, Tribal, and Local Government Historic Preservation Programs, 21792
Inventory Completions:
Texas A and M University, College Station, TX, 21792–21805
National Register of Historic Places; Pending Nominations, Related Actions, 21805–21806

Nuclear Regulatory Commission
NOTICES
Draft Guidance for Industry and Staff:
Effect of LWR Coolant Environments on the Fatigue Life of Reactor Materials, 21811–21812
Licensing Applications:
Fracture Toughness Requirements for Ferritic Reactor Coolant Pressure Boundary Components, 21812–21813

Ocean Energy Management Bureau
RULES
Submission Timing Requirements:
Site Assessment Plans, General Activities Plans for Renewable Energy Project on the Outer Continental Shelf, 21617–21626
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Leasing for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf, 21806–21808

Patent and Trademark Office
NOTICES
Meetings:
Guidance for Determining Subject Matter Eligibility of Claims Reciting or Involving Laws of Nature, Natural Phenomena, and Natural Products, 21736–21738

Personnel Management Office
RULES
Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations, 21581–21595

Pipeline and Hazardous Materials Safety Administration
NOTICES
Hazardous Materials:
New York City; Permit Requirements for Transportation of Certain Hazardous Materials, 21838–21840
Pittsburgh, PA; Permit Requirements for Transportation of Hazardous Materials, 21840–21842

Postal Regulatory Commission
NOTICES
New Postal Products, 21813–21814

Railroad Retirement Board
NOTICES
Privacy Act; Systems of Records, 21814–21816

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc., 21827–21829
BATS Y-Exchange, Inc., 21825–21826
International Securities Exchange, LLC, 21816–21818
NYSE Arca, Inc., 21821–21825
NYSE MKT LLC, 21818–21821
The NASDAQ Stock Market LLC, 21829–21831

Social Security Administration
NOTICES
Elimination of Letter Forwarding Service, 21831

State Department
RULES
International Traffic in Arms Regulations:
Authorized Officials, the UK Defense Trade Treaty Exemption; Errors in Lebanon Policy, Violations, 21616
Central African Republic, 21616–21617

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration
NOTICES
Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits, 21831–21832

Treasury Department
See Foreign Assets Control Office
See Internal Revenue Service

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Petition to Classify Orphan as an Immediate Relative; Application for Advance Processing of Orphan Petition; etc., 21784–21785

Veterans Affairs Department
NOTICES
Meetings:
Advisory Committee on Prosthetics and Special-Disabilities Programs, 21843

Workers Compensation Programs Office
RULES
Black Lung Benefits Act:
Standards for Chest Radiographs, 21606–21615
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Division of Coal Mine Workers' Compensation, 21810–21811

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
950 21581

7 CFR
301 (2 documents) 21595, 21598

12 CFR
630 21598

14 CFR
71 (4 documents) 21598, 21600, 21601
97 (2 documents) 21602, 21604

Proposed Rules:
39 (3 documents) 21648, 21651, 21655

15 CFR

Proposed Rules:
922 21658

19 CFR

Proposed Rules:
201 21658

20 CFR
718 21606
725 21606

22 CFR
126 (2 documents) 21616

26 CFR
1 21617

30 CFR
585 21617
590 21617

33 CFR
117 (3 documents) 21626, 21628
165 21629

Proposed Rules:
100 21661

34 CFR

Proposed Rules:
Ch. III 21663

40 CFR
52 21631

Proposed Rules:
52 (3 documents) 21668, 21669, 21679

48 CFR

Proposed Rules:
511 21691
538 21691
552 21691

49 CFR
229 21636

50 CFR
622 21636
660 21639

Proposed Rules:
222 21695
223 21695
229 21695

Rules and Regulations

Federal Register
Vol. 79, No. 74
Thursday, April 17, 2014

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 950

RIN 3206–AM68

Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations concerning the Combined Federal Campaign (CFC). These final regulations are being issued in order to strengthen the integrity, streamline the operations and increase the effectiveness of the program to ensure its continued growth and success. They were designed in response to the recommendations of the CFC–50 Commission in the *Federal Advisory Committee Report on the Combined Federal Campaign,* issued in July, 2012. As such, we expect these regulations will improve donor participation, CFC infrastructure, and standards of transparency and accountability.

DATES: Effective January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Mary Capule by telephone at (202) 606–2564; by FAX at (202) 606–5056; or by email at *cfc@opm.gov.*

SUPPLEMENTARY INFORMATION: These regulations are effective for the 2016 campaign period. Regarding funds contributed to the CFC during the 2014 campaign year, LFCCs and PCFOs will continue to operate, disburse funds, and submit to compliance requirements in accordance with regulations in 5 CFR part 950 as amended at 71 FR 67284, Nov. 20, 2006. OPM is issuing final regulations concerning the administration of the CFC. These final regulations present a balanced approach to the current and anticipated future needs of the CFC. They also improve upon the tradition of accountability in the program by providing Federal donors with assurances that the CFC maximizes efficiency and that campaign costs are reduced; a greater portion of donors' contributions are passed to the intended recipient charities; that contributions through the CFC are distributed according to donors' wishes; and that CFC participating charities are fiscally accountable. OPM encourages stakeholders and non-profit sector institutions with an oversight mission to collaborate to ensure that all charities are fully accountable to the public they serve. OPM will continue to emphasize the importance of providing complete, accurate, and timely financial data to donors, regulators and the public, and will support donors by providing them with information to evaluate the charities of their choice. Over the first three campaign periods affected by these rules, OPM will continue to review the impact of the rules and engage with stakeholders to ensure that the rules are having the intended effect on the CFC.

In 2011, the CFC celebrated its 50th anniversary. In connection with this landmark anniversary, OPM announced the formation of the CFC–50 Commission. The Commission, formed under the Federal Advisory Committee Act, was asked to study ways to streamline and improve the program; improve accountability, increase transparency and accessibility and make it more affordable. More about the Commission and its recommendations are available at *http://www.opm.gov/combined-federal-campaign/cfc-50-commission.*

The Commission delivered its report to the OPM Director on July 20, 2012. The report contained 24 recommendations for improvement in the following areas: donor participation, CFC infrastructure, and standards of accountability and transparency. With these recommendations, the proposed regulations were issued to improve the CFC, based on OPM's experience administering the program and its considered judgment, and facilitate modernization of the CFC. The proposed regulations are available at *https://www.federalregister.gov/articles/2013/04/08/2013-08017/solicitation-of-federal-civilian-and-uniformed-service-personnel-for-contributions-to-private.*

On April 8, 2013 (78 FR 20820), OPM issued comprehensive proposed regulations to revise the procedures governing the solicitation of Federal civilian and uniformed services personnel at the workplace for contributions to private non-profit organizations. That workplace solicitation is known as the CFC, administered by OPM under the authority of Executive Order 12353 (March 23, 1982) as amended by Executive Order 12353 (March 23, 1982), 47 FR 12785 (Mar. 25, 1982), as amended by Executive Order 12404 (February 10, 1983), 48 FR 6685 (Feb. 15, 1983).

In this final rule, OPM addresses the comments received on the proposed rules set forth at 5 CFR part 950. The 60 day public comment period ended June 7, 2013. A total of 1,382 comments were received from participating CFC organizations, Principal Combined Fund Organizations, members of Local Federal Coordinating Committees, individuals, and Federal government agencies. As a result of these comments, OPM has made a number of changes to improve these final rules.

Provisions To Improve Donor Participation, CFC Infrastructure, and Standards of Accountability and Transparency

In the view of the CFC–50 Commission (herein ''the Commission''), the existing CFC regulations hinder or otherwise prevent charitable workplace giving in certain circumstances, such as among newly hired federal employees and in times of disaster relief. Additionally, the Commission determined that there exist in current regulations opportunities for improvement to CFC infrastructure, such as local governance structure, streamlining campaign administration, and administrative cost recovery. Finally, the Commission identified areas in current regulations where standards of accountability and transparency could be improved, both by relieving the burdens on charities' application requirements (such as application frequency and audit requirements) and by improving the transparency of distribution processes (such as by strengthening oversight of federations

and improving payroll deduction disbursement and reporting).

The proposed regulations include the addition of three (3) provisions intended to improve donor participation; revision of six (6) regulations regarding CFC infrastructure intended to improve efficiency and reduce campaign costs; and four (4) revisions aimed at improving standards of accountability and transparency.

The proposed regulations being adopted by OPM in this final rule are summarized as follows:

(1) *Campaign Solicitation Period.* Under current regulations, the CFC solicitation period runs from September 1 to December 15. OPM proposed to change its regulation at § 950.102(a) to shift the campaign solicitation period by one month, so that it would begin on October 1 and end on January 15. The proposed regulation was in line with the Commission recommendation to ''Change the campaign solicitation end date from December 15 to January 15.'' OPM noted that the proposed change would allow the many employees who take leave during the month of December to contribute through the campaign when they return in the month of January. It would also enable employees to consider the impact of future pay and other benefits (which often take effect the first full pay period in January) before making donations. OPM received 139 comments that addressed the proposed change in solicitation period with 76 comments (54.7%) being in support. The 51 comments (36.7%) made in opposition to the proposed change raised a number of concerns, the most numerous of which were: having charitable contributions fall into two different tax years; having a fixed campaign end date against the variable nature of the pay calendar; and having to kickoff the campaign in less desirable weather. OPM carefully considered these comments and revised its proposal to accommodate how pay periods fall in the calendar from year to year and to allow for easy correction in the case that the original recommendation proves untrue and the change has little effect. This final rule stipulates that the Director will annually set the dates for the campaign period, but that it shall start no earlier than September 1 and end no later than January 15.

(2) *Immediate Eligibility.* Under current regulations, new employees may not begin participating in the CFC until the next scheduled campaign solicitation period begins. OPM proposed to amend its regulation at § 950.102 to allow new employees to make CFC pledges immediately upon entering Federal service. Under OPM's proposal, new employees would be provided information on the CFC at orientation and be able to make pledges within 30 days of being hired if hired outside of the solicitation period. This will enable those employees who wish to make an immediate contribution to do so. The proposed regulation was in line with the Commission recommendation to ''Allow new employees to make CFC pledges immediately upon entering Federal service rather than waiting until the campaign.'' OPM received 142 comments regarding immediate eligibility, of which 94 comments (66.2%) were in favor. The remaining 48 comments were either neutral or were opposed citing skepticism that—under the CFC's current infrastructure—immediate eligibility could be made to work effectively. OPM, however, takes the position cited by the Commission that ''Federal employees should be allowed to begin their careers with charitable giving to those in need.'' Additionally, OPM points out that added improvements in the proposed regulations and enacted through this final rule would facilitate a successful process of immediate eligibility.

(3) *Disaster Relief Program.* Under current regulations, the OPM Director is authorized to allow special solicitations to respond to disasters. There is no standing mechanism in place, but rather each disaster requires a new authorization from the Director for a special solicitation period. OPM proposed to create a permanent structure to streamline and facilitate solicitations tied to disaster relief. Accordingly, OPM proposed to amend its regulations at § 950.102 to provide for the creation of a Disaster Relief Program that would be available to donors within hours after a disaster. OPM received 72 comments that addressed the creation of a disaster relief program with 51 comments (70.8%) being in support. The remaining 21 comments were either neutral or were opposed, like with immediate eligibility, citing skepticism that—under the CFC's current infrastructure—a disaster relief program could be made to work effectively. Again, OPM points out that added improvements in the proposed regulations and enacted through this final rule would facilitate a successful disaster relief program.

(4) *Local Governance Structure.* Currently, the CFC is managed locally through Local Federal Coordinating Committees (LFCC). The number of LFCC representatives, the level of engagement, and knowledge of CFC rules and regulations vary greatly among the 163 campaign regions in the U.S. and overseas. In some areas, campaigns have difficulty identifying Federal employees who can dedicate the time to fulfill the LFCC's oversight responsibilities, including the selection of a Principal Combined fund Organization (PCFO), review and approval of reimbursable campaign expenses, review of local charity applications, and oversight of the PCFO's CFC functions. OPM proposed to modify its regulations at § 950.103 to change the LFCC to a Regional Coordinating Committee (RCC) structure. At a minimum, the RCCs would have been comprised of representatives of Federal inter-agency organizations, such as Federal Executive Boards, or personnel assigned to the military installation(s) and/or Federal agency(ies) identified as the lead agency(ies) in that region. Under the proposed change, the responsibilities of the RCC would have been similar to those of the LFCC with the exception of the selection and oversight of a PCFO. OPM believed, at the time of the proposed change, that the reduction in responsibilities, in addition to having larger campaign zones from which to select member of the RCC, would attract more individuals to serve in this important leadership role. The proposed change is in line with the Commission's recommendations to ''Improve the governance of the CFC program at the local level'' by (1) consolidating campaigns into local areas more likely to attract federal employees capable and willing to complete ''annual or periodic training which may require certification (as recommended by the Commission); and (2) reducing the workload of these personnel. The proposed change, however, appears to have been interpreted as a deliberate attempt to regionalize the CFC instead of merely removing ineffective campaigns and reducing the LFCC's workload in the campaigns that remained. OPM received 643 comments regarding local governance structure, of which 615 comments (95.7%) were opposed. The overwhelmingly prevalent reason for opposing the change was a perceived removal of LFCCs and, in turn, the ''local touch'' in the CFC. OPM points out that nothing in the proposed regulation diminishes local management of the campaign or face-to-face solicitation by federal employees. A sizable portion of the comments received in opposition suggested that OPM continue to weed out ineffective, non-compliant, and costly campaigns through mergers as it has in recent

years. Between 2006 and 2013, the number of local campaign areas has been reduced from 277 to 163. To this point concerns that the reduction of local campaign areas diminishes ''local touch'', thereby resulting in declining participation rates (as expressed in some of the public comment) appear to be unfounded. An analysis of participation in the merged campaigns indicates there is no correlation between participation rate and whether a campaign has merged. On average, between 2007 and 2012, campaigns saw a −2.1% change in participation over their pre-merger campaign year while campaigns that did not merge realized a −1.7% change in participation. This small difference is understandable when one considers that ''non-surviving'' campaigns tend to have significantly lower participation rates. For instance, in the same years, the average participation rate for campaigns that were merged out of existence at some point during that time period was 19.8% compared to the national average of 24.4%. At any rate, two-year post-merger participation rate saw a −3.1% change versus the two-year change in the national average of −3.2%. Nonetheless, OPM considered the comments and its own analyses and submits this final rule which merely amends § 950.103 to remove from the LFCC's responsibilities the selection of a PCFO. The title Local Federal Coordinating Committee (LFCC) is maintained.

(5) *Electronic Donations.* OPM proposed to modify § 950.102 to eliminate the use of cash, check and money order contributions. Instead, OPM had intended to require all donations to be made by electronic means. By moving to an exclusively electronic donation system, OPM expected to increase the efficiency of the administration of the CFC by eliminating burdensome paperwork, saving resources, and removing the possibility of the mishandling of cash. The proposed change was made in accordance with the Commission's recommendation to ''Accelerate efforts to 'go green' by reducing paper processes within the CFC as much as possible.'' Additionally, the proposed change is a direct response to the Commission's recommendation to ''Monitor overall campaign costs to seek continued efficiencies.'' OPM's analysis of 2012 campaign costs indicates that costs associated with ''one-time'' cash/check gifts account for 3.1% of campaign costs while contributing 7.4% to total contributions. Furthermore, it is estimated that half of these contributions are received through fundraising events. Costs associated with *all* paper pledge form contributions account for 9.3% of total campaign costs, with a single paper pledge costing $3.51. By way of comparison, electronic giving methods account for 1.3% of campaign costs with a single electronic pledge costing less than half that of a paper pledge at $1.45. Despite this, OPM received 867 comments on electronic giving (making it the second most commented upon proposed regulation change) of which 839 comments (96.8%) expressed opposition. Two points tended to be the basis for opposition: (1) That electronic giving methods are under-utilized (public comment cited figures between 16% and 25% of all pledges are currently being made electronically) and that electronic giving implementation rates have been weak; and (2) that the removal of a giving method is contrary to typical nonprofit fundraising practices which are aimed at offering donors a wide array of giving methods. OPM responds to the first of these by pointing out that slow implementation is the cause of under-utilization and that proper analysis of electronic giving utilization requires segregation of Federal employees that are not offered an electronic giving method. In other words, OPM's analysis indicates that only 74.1% of all Federal employees were offered an electronic giving option in 2012 and, of those that contributed, one third gave electronically. However, OPM concedes the second point and acknowledges that removing a giving option could hinder the campaign. Therefore, this final rule removes only cash as a giving method.

(6) *Training and Oversight.* OPM proposed to modify § 950.104 to provide for additional training and oversight of the LFCC. The training would be conducted by OPM staff and would focus on oversight responsibilities, charity eligibility requirements, and how to select an organization to market the campaign and review/approve its reimbursable marketing expenses. The proposed regulation was made in line with the Commission's recommendation to ''Improve the governance of the CFC program at the local level'' in which the Commission specifically suggested ''[requiring] all LFCC members to participate in annual or periodic training.'' OPM received 64 comments on training and oversight, making it the least commented upon proposed regulation. Of those, 34 comments (53.1%) supported expanded training opportunities. Those that opposed assumed OPM has a lack of personnel and budgetary resources to offer such training; however, OPM points out that much of the training has already been developed and is frequently presented by its current staff. Furthermore, much of the training and certification processes can be presented in a web-based format. These points mean that training costs to OPM will be minimal. Therefore, this final rule adopts the proposed change without revision.

(7) *Elimination of Paper Processes.* OPM proposed to modify § 950.104 to eliminate printing and distributing the Charity List in an effort to reduce paper processes. Rather, this list will be made available exclusively through electronic means. This change was meant to reduce overhead costs and increase efficiency in the administration of the CFC program. This proposed change is in line with the Commission's recommendation to ''Accelerate efforts to 'go green', reducing paper processes within the CFC as much as possible'' and to ''Monitor overall campaign costs to seek continued efficiencies.'' OPM received 245 comments pertaining to the elimination of paper processes, of which 225 comments (91.8%) were opposed. Most of these comments cited the fact that many federal employees do not have workplace access to the internet. Still others commented that OPM didn't address paper processes such as charity applications and audit guides. OPM acknowledges that not all employees have access to the internet and points out that other paper processes were not included in the proposed regulations as they do not require regulatory changes. With this in mind, OPM enacts this final rule which retains the current requirements pertaining to the contents and format of pledge forms and charity lists as well as the information that must be contained within an individual charity listing remain in effect for both printed and electronic pledge forms and charity lists.

(8) *Streamlining Campaign Administration.* Under current regulations, many campaign administration functions are performed by a number of Principal Combined Fund Organizations (PCFOs) supporting local campaigns throughout the country. OPM continues to believe that a centralized approach will benefit from economies of scale and ultimately reduce overhead costs. Accordingly, OPM proposed to modify its regulations at § 950.105 to eliminate the PCFOs. In their place, OPM proposed to consolidate responsibilities for back office functions and establish one or more Central Campaign Administrators (CCA). The CCA would either perform these functions itself or would set up

regional receipt and disbursement centers. OPM further proposed that the LFCC may engage a ''marketing firm'' to continue outreach to Federal, Postal and military personnel, functions currently coordinated by the PCFOs. This recommendation parallels the Commission's recommendation to ''Consolidate PCFO back office functions into regional receipt and disbursement centers or a national center''. The Commission, likewise, noted, ''with concern, the cost of the CFC is driven up significantly by having numerous PCFOs engaged in similar back-office functions like processing receipt and distribution of contributions.'' OPM received 245 comments pertaining to streamlining campaign administration of which 205 comments (83.7%) were opposed. The primary reason cited for opposition was, again, a perceived loss of ''local touch''. However, OPM notes that the response in opposition to this proposed regulation change (accounting for 14.8% of all submitted comments) was not as great as it was to proposed changes to local governance structure (which accounted for 44.5% of all submitted comments). This reasonable conclusion is that there is far less of a fear that the elimination of PCFOs will reduce the ''local touch'' of the CFC. Additionally, OPM points out that the elimination of the role of PCFOs does not necessarily mean that the organizations that currently serve in this capacity will no longer have a place within the CFC. OPM recognizes that these organizations contribute added value in the form of marketing fundraising efforts. OPM acknowledges that its reference to a ''marketing firm'' in the proposed regulation was mistaken by many as a for-profit marketing agency. OPM, therefore, takes special care in this Final Rule to define an ''Outreach Coordinator'' as ''an individual or an entity hired by the Local Federal Coordinating Committee to conduct marketing activities, arrange for events such as Charity Fairs, and other such efforts to educate charities and donors regarding the program.'' In this way, OPM hopes to maintain the skill sets of the best among the current PCFOs in a role that actually *focuses* on their ability to provide ''local touch'' in promoting the campaign while removing from those organizations' responsibilities all redundant ''back room'' operations which would be shifted to the CCA(s). Finally, some comment expressed opposition to OPM's requirement that the CCA be recognized by the IRS as a 501(c)(3) organization; however, OPM is maintaining this requirement as funds passed from donors to the CCA may not be tax-deductible if the CCA does not hold 501(c)(3) status. Other than the addition of the definition of the Outreach Coordinator, this final rule adopts the proposed change without revision.

(9) *Administrative Costs.* Currently, the overhead administrative costs of much of the CFC program are paid out of donor contributions through the campaign. OPM maintains that more transparency with respect to administrative overhead would be beneficial to the program, to the donors, and to the charitable organizations that receive donations through the CFC. Accordingly, OPM proposed that the cost of the campaign previously outlined in § 950.106 instead be recovered through application fees paid by the charitable organizations that apply for participation in the CFC. This section also proposed how the fees will be collected and the permissible uses of the fees. Additionally, upfront application fees would require that charities properly adjust for campaign costs in their own accounting, something that the current process of cost deduction does not reflect. The proposed regulation stemmed directly from the Commission's recommendation to ''Increase the value proposition for donors by shifting the burden of CFC costs from donors to participating charities,'' more specifically ''The Commission recommends that OPM move toward a system through which CFC costs are paid by participating charities.'' The Commission continues: ''If all costs can be handled in this manner, the CFC will be able to assure donors that 100 percent of their donations reach the benefiting organizations. Even if only a portion of the costs are paid by charities, the CFC will still be able to assure donors that a very high portion of the money donated ultimately reaches the beneficiaries.'' Moreover, testimony presented to the Commission by a major national federation supported the recommended application fee, taking its rationale a step further: ''In addition to defraying costs, an application fee would discourage those charities who receive no benefit from the campaign from applying, thereby reducing administrative costs.'' It is in the spirit of these recommendations that OPM proposed to restructure CFC cost recovery. However, the issue of administrative costs was the most hotly contested topic in the public comment, receiving 966 comments (the most of any proposed regulation) of which 911 comments (94.3%) expressed concern over proposed regulation. Interestingly, some of the concern came from the very Commission and testimony that had originally supported the recommendation. A vast majority of the concern stemmed from not knowing the precise amount of the annual application fee. Many comments went so far as to agree to an application fee in principle, but opposed the change as long as a precise amount was not made part of the regulation. Additionally, much concern was raised over the possibly exorbitant amount of the application fee based on current national campaign costs; however, these concerns did not take into account the cost avoidance to be realized by enacting the other proposed regulations, nor did they appear to consider that upfront application fees would reduce cost deductions from distributions. OPM concedes too many comments expressed that the fee would present a ''barrier to entry'' for many charities; however, as mentioned in the testimony before the Commission, the economics of the campaign support a reasonable barrier to entry for charities that receive no benefit yet contribute to the cost of the CFC. For example, of the 23,895 national, international, and local charities that participated in the 2012 CFC, 20% received no contributions from federal employees. However, there are costs associated to the review of the applications and the printing of their information in the CFC Charity Lists. These costs are ultimately borne solely by those charities that received designations. Finally, several voice their concerns over the nonrefundable nature of the application; OPM dismisses these concerns in deference to the generally accepted concept of an application fee. Therefore, this final rule enacts a nonrefundable application/listing fee intended to cover the fixed costs of the campaign. The amount of the fee will be determined by the Director of OPM and announced prior to the application period. In no case will the application fee exceed an amount equivalent to the previous campaign period's budgeted costs divided by the number of participating charities, nor will it be greater than 125% of the previous year's application fee (except in the first year of this final rule). For example, if the previous campaign period realized fixed costs of $6 million with 25,000 listed charities, the application/listing fee would not exceed $240. However, if the previous campaign period's application fee was $190, then the application/listing would not exceed $237.50. All expenses not covered through the

collection of application fees will be deducted from distributions.

(10) *Streamlined Application Process.* Believing there were efficiencies to be gained in its charity application process, OPM proposed to modify the regulations at § 950.201 to reduce the burden on charities that have previously been admitted to participate in the program. Thus, these charities would be required to produce a more limited specified set of documents, via a reduced application form, to be admitted for the subsequent two years. OPM believes this approach will provide sufficient information to evaluate the charity's continuing eligibility while reducing unnecessary administrative burdens on the charity. This proposed regulation was in line with the Commission's recommendation to ''Streamline the charity application process to reduce costs for participating charities.'' Though OPM received only 124 comments, the 96 comments (77.4%) received in favor of the proposed regulation made it the most amenable of the proposed changes. This final rule enacts the proposed change without revision.

(11) *Audit of Small Charities.* OPM proposed to modify its regulations at § 950.203 to waive the audit requirement for national organizations reporting less than $100,000 in annual revenue to the IRS. In addition, OPM proposed that an organization with annual revenue of at least $100,000 but less than $250,000 not be required to undergo an audit, but have their statements reviewed by an independent certified public accounting firm. This would remove a disproportionate burden on small charities. This proposed regulation parallels the Commission's recommendation to ''Consider a tiered process for application requirements to reduce for small local charities the disproportionate burden of obtaining annual audited financial statements.'' Although OPM received only 48 comments pertaining to the audit of small charities, 20 comments (27.8%) were opposed, most of them on the grounds that the proposed change constitute a lowering of accountability standards. OPM recognizes this concern; however, it is pointed out that smaller charities pose the smallest of accountability threats. This final rule, therefore, sets for the proposed change without revision.

(12) *Oversight of Federations.* OPM proposed to strengthen its regulations regarding federations to increase accountability and transparency. OPM proposed changes to § 950.301 to specify that federations provide a copy of each member organization's application, require dates upon which disbursements must be made to members, add additional reporting requirements, and prohibit deductions of dues/fees from the disbursement of CFC contributions. Additionally, invoicing member organizations for federations' services rendered would require that charities properly adjust for campaign costs in their own accounting, something that the current process of federation fee deduction does not reflect. The proposed changes were in accordance with the Commission's recommendations to ''Strengthen CFC regulations regarding federations to increase transparency and accountability'' in which the Commission specifically cited federations' governance structures and potential conflicts of interest; administrative fees charged to federation members; lack of timeliness in the disbursement of funds to federation members; and need for improved record keeping. Although the proposed change attracted a somewhat limited response of only 201 comments (14.5% of all the 1,382 comments submitted), the 178 comments in opposition (88.7% of those pertaining to oversight of federations, most of which appear to be a form letter) tended to assume that the proposed changed prevented federations from charging their member organizations fees for services rendered. However, OPM points out that this is not the case and, instead, federations may invoice their members separately from CFC distributions, thereby making transparent the cost to organizations. While several federations commented that the proposed regulation amounts to ''overreach and interference with the relationship between a federation and its member organizations . . . above and beyond the CFC in its scope,'' OPM's position is to assure that maximum transparency exists for CFC donors and participating charities. This final rule is enacted without revision.

(13) *Payroll Deduction Disbursements.* OPM proposed to standardize and improve how payroll offices provide donor pledge reports to campaigns. OPM proposed changes to former § 950.901 (§ 950.801 in the proposed regulations) to require payroll offices to either distribute funds to the charities directly or, if funds are transmitted to the CCA, provide more detailed reports. Currently, Federal payroll office disbursement reports vary in format and level of detail, which adds to the administrative costs of the campaign administrators responsible for ensuring the accuracy of disbursements to designated charities. The proposed change was in line with the Commission recommendation to ''Standardize and improve how payroll offices provide donor pledge reports to campaigns.'' OPM received 113 comments of which 77 comments (68.1%) were in opposition, specifically with the idea of payroll offices disbursing campaign contributions directly to charities. While most comments convey a favorable opinion of OPM's proposal to standardize payroll office reporting, the primary complaint rests with some payroll offices' current challenges in correctly disbursing funds to PCFOs. OPM recognizes this concern and enacts this final rule to require payment to CCA(s), not directly to designated charities.

Other Areas of Public Comment

(14) *Commission Recommendations Not Requiring Regulatory Change.* Much comment was received concerning Commission recommendations that were not considered in the proposed regulatory changes. These include implementation of survey systems; establishment of universal giving; and several other points regarding oversight and cost reduction. These recommendations are currently being evaluated, though outside the purview of the proposed regulation changes.

(15) *Provisions on Discrimination.* OPM received a number of comments regarding a perceived change in policy on discrimination. As stated in the proposed regulation changes, § 950.110 was merely updated to meet current legal standard and, therefore, was not being considered for change. Some public comment challenged the basis for the update, claiming they are ''not aware of any 'current' legal standards' that require'' the update to the regulation; however, OPM interprets federal law which bars discrimination ''on the basis of conduct which does not adversely affect the performance of the employee'' (5 U.S.C. § 2302(b)(10)) in a way that justifies the update. Furthermore, some public comment reflected a perception that the discrimination policy was binding on CFC-participating charities. OPM suggests this is the result of a misreading of the regulations as the regulation clearly states ''Nothing herein denies eligibility to any organization, which is otherwise eligible under this part to participate in the CFC, merely because such organization is organized by, on behalf of, or to serve persons of a particular race, ethnicity, color, religion, sex, gender identity, national origin, age, disability, sexual

orientation, or genetic background.'' OPM's policy is only with regard to the execution of the campaign in the federal workplace (i.e., the Central Campaign Administrator); and to Family Support and Youth Activities (FSYA) located on military installations in the United States and Family Support and Youth Programs (FSYP) as discussed in § 950.202.

(16) *Native American Organizations Formed Under IRC § 7871.* A few comments were received regarding the eligibility of organizations established under Internal Revenue Code (IRC) § 7871. OPM recognizes that such organizations enjoy the same benefits as 501(c)(3) organizations in that contributions made to them are tax-deductible to the donor. However, because these organizations are allowed to apply for recognition by the IRS under IRC § 501(c)(3) without losing any benefits afforded to them under IRC § 7871, this final rule will continue to require these organizations to secure determination letters from the IRS that they are recognized as 501(c)(3) organizations. This determination is in holding with rules that currently apply to other organizations that are ''tax-deductible'' without holding 501(c)(3) status.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. Charitable organizations applying to the CFC have an existing, independent obligation to comply with the eligibility and public accountability standards contained in current CFC regulations. Streamlining these standards will be less burdensome.

Executive Orders 12866 and 13563, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Orders 12866 and 13563.

List of Subjects in 5 CFR Part 950

Administrative practice and procedures, Charitable contributions, Government employees, Military personnel, Nonprofit organizations and Reporting and recordkeeping requirements.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

For the reasons discussed in the preamble, the Office of Personnel Management amends 5 CFR part 950 as set forth below.

■ 1. Revise part 950 to read as follows:

PART 950—SOLICITATION OF FEDERAL CIVILIAN AND UNIFORMED SERVICE PERSONNEL FOR CONTRIBUTIONS TO PRIVATE VOLUNTARY ORGANIZATIONS

Subpart A—General Provisions

Sec.
950.101 Definitions.
950.102 Scope of the Combined Federal Campaign.
950.103 Establishing Local Federal Coordinating Committees.
950.104 Local Federal Coordinating Committee responsibilities.
950.105 Federal Agency Head responsibilities.
950.106 Central Campaign Administrator (CCA).
950.107 Campaign expense recovery.
950.108 Preventing coercive activity.
950.109 Avoidance of conflict of interest.
950.110 CCA Prohibited discrimination.

Subpart B—Eligibility Provisions

950.201 Charity eligibility.
950.202 Charity eligibility requirements.
950.203 Public accountability standards.
950.204 Eligibility decisions and appeals.

Subpart C—Federations

950.301 Federation eligibility.
950.302 Responsibilities of federations.

Subpart D—Campaign Information

950.401 Campaign and publicity information.
950.402 Pledge form.

Subpart E—Miscellaneous Provisions

950.501 Release of contributor information.
950.502 Solicitation methods.
950.503 Sanctions and penalties.
950.504 Records retention.
950.505 Sanctions compliance certification.

Subpart F—CFC Timetable

950.601 Campaign schedule.

Subpart G—Payroll Withholding

950.701 Payroll allotment.

Subpart H—Accounting and Distribution

950.801 Accounting and distribution.

Authority: E.O. 12353 (March 23, 1982), 47 FR 12785 (March 25, 1982), 3 CFR, 1982 Comp., p. 139; E.O. 12404 (February 10, 1983), 48 FR 6685 (February 15, 1983); Pub. L. 100–202, and Pub. L. 102–393 (5 U.S.C. 1101 Note).

Subpart A—General Provisions

§ 950.101 Definitions.

As used in this part:

Administrative Expenses means the overhead costs of the participating organization based on information from the Internal Revenue Service Form 990.

Application Fee means a non-refundable fee paid by a charitable organization in each campaign period for which it seeks to participate.

Campaign Expenses means the cost of the administration of the campaign by the Central Campaign Administrator and any Outreach Coordinators.

Central Campaign Administrator means the organization(s) responsible for developing and maintaining the CFC Web site and charity application module, and to which OPM may assign responsibility for making distributions to charities.

Charity List means the official list of charities approved by OPM for inclusion in the CFC.

Combined Federal Campaign or *Campaign* or *CFC* means the charitable fundraising program established and administered by the Director of the Office of Personnel Management (OPM) pursuant to Executive Order No. 12353, as amended by Executive Order No. 12404, and all subsidiary units of such program.

Director means the Director of the Office of Personnel Management or his/her designee.

Distribution fee means amount assessed against pledges received should the application and listing fees not cover all the costs of the campaign.

Employee means any person employed by the Government of the United States or any branch, unit, or instrumentality thereof, including persons in the civil service, uniformed service, foreign service, and the postal service.

Family Support and Youth Activities (FSYA) means an organization on a domestic military base recognized by the Department of Defense as providing programs for military families on the base.

Family Support and Youth Programs (FSYP) means an organization on a non-domestic military base recognized by the Department of Defense as providing programs for military families on the base.

Federation or *Federated Group* means a group of voluntary charitable human health and welfare organizations created to supply common fundraising, administrative, and management services to its constituent members.

Independent Organization means a charitable organization that is not a member of a federation for the purposes of the Combined Federal Campaign.

International General Designation Option means an option available to donors under which his or her gift is distributed to all of the international organizations listed in the International Section of the Charity List in the same proportion as all of the international organizations received designations in the local CFC. This option will have the code IIIII.

International Organization means a charitable organization that provides

services either exclusively or in a substantial preponderance to persons in areas outside of the United States.

Listing Fee means a non-refundable annual fee charged only to charitable organizations approved for participation.

Local Federal Coordinating Committee means the group of Federal officials designated by the Director to oversee the CFC in a zone and to assist the Director with the charity application reviews.

Organization or *Charitable Organization* means a non-profit, philanthropic, human health and welfare organization.

Outreach Coordinator means an individual or an entity hired by the Local Federal Coordinating Committee to conduct marketing activities, arrange for events such as Charity Fairs, and educate charities and donors regarding the program.

Services means the real services, benefits, assistance or program activities provided by charitable organizations. These may include, but are not limited to, medical research and assistance, education, financial assistance, mentoring, conservation efforts, spiritual development, the arts, and advocacy.

Solicitation means any action requesting a monetary donation, either by payroll deduction or credit card, on behalf of charitable organizations.

§ 950.102 Scope of the Combined Federal Campaign.

(a) The CFC is the only authorized solicitation of employees in the Federal workplace on behalf of charitable organizations. A campaign may be conducted only during the period running from September 1 through January 15, as determined by the Director. It must be conducted at every Federal agency in accordance with the regulations in this part. No other monetary solicitation on behalf of charitable organizations may be conducted in the Federal workplace, except as follows:

(1) Federal agencies must provide information about the CFC to new employees at orientation. New employees may make pledges within 30 days of entry on duty, if outside of the campaign period.

(2) The Director may grant permission for solicitations of Federal employees, outside the CFC, in support of victims in cases of emergencies and disasters. Emergencies and disasters are defined as any hurricane, tornado storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the world. Any special solicitations will be managed through a Disaster Relief Program developed by OPM.

(b) The regulations in this part do not apply to the collection of gifts-in-kind, such as food, clothing and toys, or to the solicitation of Federal employees outside of the Federal workplace as defined by the applicable Agency Head consistent with General Services Administration regulations and any other applicable laws or regulations.

(c) The Director may exercise general supervision over all operations of the CFC, and take all necessary steps to ensure the achievement of campaign objectives, including but not limited to the following:

(1) Any disputes relating to the interpretation or implementation of this part may be submitted to the Director for resolution. The decisions of the Director are final for administrative purposes.

(2) The Director may audit, investigate, and report on the administration of any campaign, the organization that administers the campaign, and any national, international and local federation, federation member or independent organization that participates in the campaign for compliance with these regulations. The Director may resolve any issues reported and assess sanctions or penalties, as warranted under § 950.503.

(d) Current Federal civilian and active duty military employees may make contributions using payroll deduction or by electronic means, including credit/debit cards and e-checks, as approved by the Director. Contractor personnel, credit union employees and other persons present on Federal premises, as well as retired Federal employees, may make single contributions to the CFC by electronic means, including credit cards, as approved by the Director. For the first five campaign periods after implementation of these regulations, LFCCs will be permitted to still provide donors the option of using non-electronic pledging based on guidance issued by OPM.

(e) Heads of departments or agencies may establish policies and procedures applicable to solicitations conducted by organizations composed of civilian employees or members of the uniformed services among their own members for organizational support or for the benefit of welfare funds for their members. Such solicitations are not subject to these regulations, and therefore do not require permission of the Director.

§ 950.103 Establishing Local Federal Coordinating Committees.

(a) The Director, in his or her sole discretion, will establish, maintain, and, from time to time, revise an official list of campaign zones.

(b) For each campaign zone, the Director will establish a Local Federal Coordinating Committee (LFCC) for the purpose of governing the campaign for that zone. It will be the responsibility of the Federal Executive Board or lead agency (as identified by the Director) in the zone to ensure an active and diverse membership, with a minimum of three members. The LFCC shall consist of the following:

(1) Members to be drawn from local Federal inter-agency organizations, such as Federal Executive Boards, or from personnel assigned to the military installation and/or agency identified as the lead agency in that zone;

(2) Representation from local Federal Agencies located within the zone, representing a cross-section of agencies with regard to personnel types and locations; and

(3) If approved by the Director, representatives of employee unions and other employee groups.

(c) The members of each LFCC must select a Chair and a Vice Chair. The Chair and Vice Chair positions will be rotated among the LFCC members. The term of the Chair and Vice Chair may not exceed three consecutive years. Any LFCC Chair or Vice Chair is subject to removal by the Director, in his sole and unreviewable discretion.

(d) The LFCC will ensure that, to the extent reasonably possible, every employee is given the opportunity to participate in the CFC.

§ 950.104 Local Federal Coordinating Committee responsibilities.

(a) The LFCC is to serve as the central source of information regarding the CFC among Federal employees in their zone. All members of the LFCC must develop an understanding of campaign regulations and procedures.

(b) The responsibilities of the LFCC members include, but are not limited to, the following:

(1) Attend required LFCC training and obtain certification in LFCC operations;

(2) Maintain minutes of LFCC meetings and respond promptly to any request for information from the Director;

(3) Name a LFCC Chair and Vice Chair and notify the Director when there is a change in either position;

(4) Assist in determining the eligibility of organizations that apply to participate in the campaign as required and assigned by OPM;

(5) Provide training to employees in the methods of non-coercive solicitation;

(6) Provide instructions to employees regarding the process for making donations and designating the charitable organizations to receive their donations.

(7) Take appropriate measures to protect potential donors from coercion to participate in the campaign.

(8) Bring any allegations of potential donor coercion to the attention of the employee's agency and provide a mechanism to review employee complaints of undue coercion in Federal fundraising. Federal agencies shall provide procedures and assign responsibility for the investigation of such complaints. The agency official responsible for conducting the campaign is responsible for informing employees of the proper channels for pursuing such complaints.

(9) Notify the Director of issues concerning the campaign that the LFCC cannot resolve by applying these regulations. The LFCC must abide by the Director's decisions on all matters concerning the campaign.

(10) Review, approve and provide authorization to the Central Campaign Administrator for payments to the outreach coordinator in an efficient and effective manner as outlined in the agreement between OPM and the Central Campaign Administrator.

(11) Conduct an effective and efficient campaign in a fair and even-handed manner aimed at collecting the greatest amount of charitable contributions possible. LFCC's should afford federated groups and agencies with representatives in the campaign area adequate opportunity to offer suggestions relating to the operation of the campaign.

(c) The LFCC may hire an Outreach Coordinator to provide local operation marketing support to their campaign, including developing marketing plans and materials, employee training, campaign event and activity support, and the printing and distribution of CFC Charity Lists and pledge forms as permitted in 5 CFR § 950.102(d).

(d) Monitor the work of the Outreach Coordinator, ensuring compliance with these regulations, as well as performance as outlined in agreement with the LFCC.

§ 950.105 Federal Agency Head responsibilities.

(a) The agency head at each Federal installation within a campaign area should:

(1) Become familiar with all CFC regulations.

(2) Cooperate with the members of the LFCC in organizing and conducting the campaign.

(3) Initiate official campaigns within their offices or installations and provide support for the campaign.

(4) Assure the campaign is conducted in accordance with these regulations.

(5) Appoint an employee to oversee the Agency campaign.

(6) Establish a network of employees in support of the Agency's campaign.

(b) Agency heads may not discontinue solicitation of Federal employees during the campaign solicitation period within their organization without the written approval of the Director.

§ 950.106 Central Campaign Administrator (CCA).

(a) OPM may contract with one or more organizations classified by the Internal Revenue Service as 501(c)(3) organizations, to perform the centralized fiscal and administrative functions of the CFC. One organization will be responsible for developing and maintaining a centralized Web site for the CFC that will include an online application function for charities applying to participate in the CFC and an online pledging function for Federal donor use. All organizations will be responsible for disbursing funds received from the Federal payroll offices or service providers. If OPM contracts with more than one organization, the disbursement responsibilities will be divided between them based on Federal Shared Service Centers and Federal payroll offices. For example, if OPM contracts with four organizations, one would handle all agencies that use the National Finance Center as their Shared Service Center regardless of the location of the donor or the agency. Only non-CFC participating organizations may be selected as CCAs.

(b) In the event that there is no qualified CCA, no workplace solicitation of any Federal employee may be authorized and CFC payroll allotments would not be accepted or honored.

§ 950.107 Campaign expense recovery.

(a) The costs of outreach approved by the LFCC, training and traveling for the LFCC, and CCA will be recovered through application/listing fees and/or distribution fees paid by charitable organizations . The fee structure will be determined annually by the Director based on estimated costs of administering the central campaign and local marketing efforts. This structure will be announced no later than October 31 of the year preceding the campaign. Any excess funds from applications fees over expenses will be rolled over to the following campaign and be considered when setting the rates. Marketing expenses will not exceed a percentage of receipts as determined by the Director. No expenses for food or entertainment may be reimbursed to the Outreach Coordinator. Only travel-related food expenses may be reimbursed to the LFCC in accordance with the Federal Travel Regulations.

(b) Charity application fees are due at the time of the filing of the application or the application deadline, whichever occurs last. A charity that has not paid the full application fee at that time may not participate in the CFC that campaign year.

(c) An additional listing fee will be applied to all charities approved for participation. These charities will not be listed in paper or electronic Charity Lists, and CFC contributions will not be processed on their behalf, if they do not submit the listing fee prior to the annual date set by OPM.

(d) The distribution fee will be assessed against pledges received should the application and listing fees not cover all the costs of the campaign.

§ 950.108 Preventing coercive activity.

True voluntary giving is fundamental to Federal fundraising activities. Actions that do not allow free choices or create the appearance that employees do not have a free choice to give or not to give, or to publicize their gifts or to keep them confidential, are contrary to Federal fundraising policy. Activities contrary to the non-coercive intent of Federal fundraising policy are not permitted in campaigns. They include, but are not limited to:

(a) Solicitation of employees by their supervisor or by any individual in their supervisory chain of command. This does not prohibit the head of an agency to perform the usual activities associated with the campaign kick-off and to demonstrate his or her support of the CFC in employee newsletters or other routine communications with the Federal employees.

(b) Supervisory inquiries about whether an employee chose to participate or not to participate or the amount of an employee's donation. Supervisors may be given nothing more than summary information about the major units that they supervise.

(c) Setting of 100 percent participation goals.

(d) Establishing personal dollar goals and quotas.

(e) Developing and using lists of non-contributors.

(f) Providing and using contributor lists for purposes other than the routine

collection and forwarding of contributions and allotments, and as allowed under § 950.501.

(g) Using as a factor in a supervisor's performance appraisal the results of the solicitation in the supervisor's unit or organization.

§ 950.109 Avoidance of conflict of interest.

Any Federal employee who serves on the LFCC, or as a Federal agency fundraising program employee, shall not serve in any official capacity or participate in any decisions where, because of membership on the board or other affiliation with a charitable organization, there could be or appear to be a conflict of interest under any statute, regulation, Executive order, or applicable agency standards of conduct.

§ 950.110 CCA Prohibited discrimination.

Discrimination for or against any individual or group on account of race, ethnicity, color, religion, sex (including pregnancy and gender identity), national origin, age, disability, sexual orientation, genetic information, or any other non-merit-based factor is prohibited in all aspects of the management and the execution of the CFC. Nothing herein denies eligibility to any organization, which is otherwise eligible under this part to participate in the CFC, merely because such organization is organized by, on behalf of, or to serve persons of a particular race, ethnicity, color, religion, sex, gender identity, national origin, age, disability, sexual orientation, or genetic background.

Subpart B—Eligibility Provisions

§ 950.201 Charity eligibility.

(a) The Director shall annually:

(1) Determine the timetable and other procedures regarding application for inclusion in the Charity List; and

(2) Determine which organizations among those that apply qualify to be included in the National/International, International and Local parts of the Charity List. In order to determine whether an organization may participate in the campaign, the Director may request evidence of corrective action regarding any prior violation of regulation or directive, sanction, or penalty, as appropriate. The Director retains the ultimate authority to decide whether the organization has demonstrated, to the Director's satisfaction, that the organization has taken appropriate corrective action. Failure to demonstrate satisfactory corrective action or to respond to the Director's request for information within 10 business days of the date of the request may result in a determination that the organization will not be included in the Charity List.

(b) The Charity List will include each organization's CFC code and other information as determined by OPM.

(c) A charity must submit the full application the initial year it applies to participate in the CFC. In lieu of a full application, a charity may submit a verification application for the two years immediately following its submission of a full application.

(1) A verification application consists of certification of all applicable statements required by §§ 950.202 and 950.203, and submission of an IRS Form 990 or pro forma IRS Form 990, as defined in § 950.203(a)(3).

(2) An organization that did not apply or was not approved for participation in the preceding campaign must submit a full application.

§ 950.202 Charity eligibility requirements.

(a) The requirements for an organization to be listed in the Charity List shall include the following:

(1) Certification that it provides or conducts real services, benefits, assistance, or program activities (hereafter listed as ''services''), in 15 or more different states or one or more foreign countries over the 3 calendar year period immediately preceding January 1 of the campaign application year. A schedule listing a detailed description of the services in each state (minimum 15) or foreign countries (minimum 1), including the year of service and documenting the location and date and year of each service, and the number of beneficiaries of each such service must be included with the CFC application. The schedule must make a clear showing of national or international presence. Broad descriptions of services and identical repetitive narratives will not be accepted in the sole discretion of OPM if they do not allow OPM to adequately determine that real services were provided or to accurately determine the individuals or entities who benefited. It must be clear in the documentation submitted that the organization provided at least one human health and welfare service in the calendar year prior to the year for which the organization is applying. Publications or other documents in lieu of a schedule detailing this information are not acceptable.

(i) Local charitable organizations are not required to have provided services in 15 states or a foreign country over the prior 3 years. The schedule for local organizations is only required to document services in their local area. Local organizations must also certify that the Organization Address submitted with the application is the primary location where the organization's services are rendered and/or its records are maintained.

(ii) This requirement cannot be met solely by the provision of services via telephone, unless the service is emergency in nature such as a suicide prevention hotline. The requirement is also not met solely by disseminating information and publications via the U.S. Postal Service or the Internet, unless it meets the criteria for web-based services as described in § 950.202(a)(1)(iii), or a combination thereof.

(iii) Real services for web-based service organizations may be considered if the organization provides service logs or other records indicating the geographic distribution of users in each state. The organization must demonstrate the scope of services received by users over the three-year period immediately preceding the start of the campaign year involved. Reports that reflect only the number of hits or visits to a Web site are not sufficient to establish the provision of real services. In addition, two of the three following types of information must be provided to demonstrate the provision of real services, benefits, assistance, or program activities:

(A) Evidence that recipients, including members of the general public, dues paying members or affiliate organizations, have registered for use of the Web site;

(B) Summary reports that document customer feedback, through service satisfaction or utilization surveys, demonstration of two-way communications, such as an online class, or other mechanisms; and

(C) Documented evidence that recipients of web-based services paid a fee for the service.

(iv) Providing listings of affiliated groups does not demonstrate provision of real services by the applicant. Location of residence of organization members or location of residence of visitors to a facility does not substantiate provision of services. Schedules that describe activities conducted by an entity other than the applicant, such as a chapter or a support group, must include information documenting the applicant's role in the delivery of the service. Details may include items such as whether the chapter is funded by the applicant or how the applicant assisted in the delivery of the service. Applications that fail to include a description of how

the applicant itself provides service may result in a denial.

(v) Organizations that provide student scholarships or fellowships must indicate the state in which the recipient resides, not the state of the school or place of fellowship. Mere dissemination of information does not demonstrate acceptable provision of real services.

(vi) While it is not expected that an organization maintain an office in each state or foreign country, a clear showing must be made of the actual services, benefits, assistance or activities provided in each state or foreign country. Organizations that provide services in one location may only count the state in which the services are provided toward their eligibility to participate on the national charity list. However, an organization may have beneficiaries from several states and want service to those beneficiaries considered toward the 15-state requirement to participate on the national Charity List. If an organization can document that the services are subsidized or were provided free-of-charge, and list the value of those services to each of the beneficiaries, then the service to the beneficiary may be considered a service in the state of the beneficiary's residence, similar to a financial grant or scholarship. For example, a medical institution providing free housing to family members of the patient during the length of the patient's stay must list the location of the medical institution, the city/state of residence of each beneficiary, the dates of service, and the value of the housing provided to each beneficiary's family members.

(vii) An organization's role in providing information to the media, such as authorship of an article for a newspaper, magazine, or journal, or serving as an interviewee or reference for a television news program, or the authorship of a book, does not in itself constitute a real service for CFC purposes. Likewise, the production and/or distribution of information, such as a report based on research, surveys conducted by the applicant organization, or publication of a policy position paper, does not, in itself, constitute an eligible service. With regard to media-related activities, research, and reports, the applicant must describe the manner in which beneficiaries requested or used the document or information in order to establish the provision of a real services, benefit, assistance, or program activity.

(viii) De minimis services, benefits, assistance, or other program activities in any state or foreign country will not be accepted as a basis for qualification as a national or international organization. Factors that OPM will consider in determining whether an organization's services, benefits, assistance or other program activities are de minimis include, but are not limited to: nature and extent of the service, benefit, assistance or activity; frequency, continuity, and duration; value of financial assistance awarded to individuals or entities; impact on, or benefit to, beneficiaries; and number of beneficiaries.

(2) Certification that it is an organization recognized by the Internal Revenue Service as tax exempt under 26 U.S.C. 501(c)(3) to which contributions are deductible under 26 U.S.C. 170(c)(2). The CFC will verify that each applicant's name and Employer Identification Number appears in the IRS Business Master File (BMF). If the organization does not appear in the BMF, one of the following must accompany the application:

(i) An affirmation letter from the IRS, dated on or after January 1 of the campaign year to which the organization is applying, that verifies the organization's current 501(c)(3) tax-exempt status.

(ii) A local affiliate of a national organization that is not separately incorporated must submit a certification from the Chief Executive Officer (CEO) or CEO equivalent of the national organization stating that it operates as a bonafide chapter or affiliate in good standing of the national organization and is covered by the national organization's 26 U.S.C. 501(c)(3) tax exemption. The letter must be signed and dated on or after October 1 of the calendar year preceding the campaign year for which the organization is applying.

(iii) For central organizations that are churches, the CFC will accept a copy of its most recently published listing (such as a church directory) of section 501(c)(3) organizations that are included in the group exemption held by the central organization. A subordinate may alternatively obtain a letter from the central organization affirming the subordinate's status as an organization exempt under section 501(c)(3) of the Internal Revenue Code that is included in the group exemption held by the central organization.

(iv) Family Support and Youth Activities (FSYA) located on military installations in the United States and Family Support and Youth Programs (FSYP) located on military installations overseas must provide a copy of certification by the commander of a military installation, as outlined in paragraphs (a)(3) and (4) of this section, to demonstrate tax-exempt status.

(3) Family support and youth activities or programs certified by the commander of a military installation as meeting the eligibility criteria contained in paragraphs (a)(3) and (4) of this section may appear on the list of local organizations and be supported from CFC funds. Family support and youth activities may participate in the CFC as a member of a federation at the discretion of the certifying commander.

(4) A family support and youth activity or program must:

(i) Be a nonprofit, tax-exempt organization that provides family service programs or youth activity programs to personnel in the Command and be a Non-Appropriated Fund Instrumentality that supports the installation MWR/FSYA/FSYP program. The activity must not receive a majority of its financial support from appropriated funds.

(ii) Have a high degree of integrity and responsibility in the conduct of their affairs. Contributions received must be used effectively for the announced purposes of the organization.

(iii) Be directed by the base Non-Appropriated Fund Council or an active voluntary board of directors which serves without compensation and holds regular meetings.

(iv) Conduct its fiscal operations in accordance with a detailed annual budget, prepared and approved at the beginning of the fiscal year. Any significant variations from the approved budget must have prior authorization from the Non-Appropriated Fund Council or the directors. The family support and youth activities must have accounting procedures acceptable to an installation auditor and the inspector general.

(v) Have a policy and practice of nondiscrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin applicable to persons served by the organization.

(vi) Prepare an annual report which includes a full description of the organization's activities and accomplishments. These reports must be made available to the public upon request.

§ 950.203 Public accountability standards.

(a) To ensure organizations wishing to solicit donations from Federal employees in the workplace are portraying accurately their programs and benefits, each organization seeking eligibility must meet annually applicable standards and certification requirements. Each organization, other

than FSYA or FSYP, wishing to participate must:

(1) Certify that the organization is a human health and welfare organization providing services, benefits, or assistance to, or conducting activities affecting, human health and welfare. The organization's application must provide documentation describing the health and human welfare benefits provided by the organization within the previous calendar year;

(2) Subject to the exceptions listed in this section, certify that it accounts for its funds on an accrual basis in accordance with United States or International generally accepted accounting principles and that an audit of its fiscal operations is completed annually by an independent certified public accountant in accordance with generally accepted auditing standards. A copy of the organization's most recent annual audited financial statements must be included with the application. The statements must include all statements required for voluntary health and welfare organizations by the United States Financial Accounting Standards Board or the International Accounting Standards Board. The audited financial statements must cover the fiscal period ending not more than 18 months prior to the January of the year of the campaign for which the organization is applying. For example, the audited financial statements included in the 2014 application must cover the fiscal period ending on or after June 30, 2012.

(i) An organization with annual revenue of less than $100,000 reported on its IRS Form 990 or pro forma IRS Form 990 submitted to the CFC is not required to undergo an audit, submit audited financial statements, or to account for its funds on an accrual basis in accordance with generally accepted accounting principles. Rather, the organization must certify that it has controls in place to ensure that funds are properly accounted for and that it can provide accurate and timely financial information to interested parties.

(ii) An organization with annual revenue of at least $100,000 but less than $250,000 is not required to undergo an audit. The organization must certify that its financial statements are reviewed by an independent certified public accountant on an annual basis or are audited by an independent public accountant on an annual basis. A copy of the reviewed or audited financial statements must be included with the application.

(3) Certify that it prepares and submits to the IRS a complete copy of the organization's IRS Form 990 or that it is not required to prepare and submit an IRS Form 990 to the IRS. Provide a completed copy of the organization's IRS Form 990 submitted to the IRS covering a fiscal period ending not more than 18 months prior to the January of the year of the campaign for which the organization is applying, including signature, and all supplemental schedules, with the application, or if not required to file an IRS Form 990, provide a pro forma IRS Form 990. Pro forma IRS Form 990 instructions will be posted on the OPM Web site and included in the application instructions. IRS Forms 990EZ, 990PF, and comparable forms are not acceptable substitutes. The IRS Form 990 and audited financial statements, if required, must cover the same fiscal period.

(4) Provide a computation of the organization's percentage of total support and revenue spent on administrative and fundraising. This percentage shall be computed from information on the IRS Form 990 submitted pursuant to paragraph (a)(3) of this section.

(5) Certify that the organization is directed by an active and responsible governing body whose members have no material conflict of interest and, a majority of which serve without compensation.

(6) Certify that the organization's fundraising practices prohibit the sale or lease of its CFC contributor lists.

(7) Certify that its publicity and promotional activities are based upon its actual program and operations, are truthful and non-deceptive, and make no exaggerated or misleading claims.

(8) Certify that contributions are effectively used for the announced purposes of the charitable organization.

(9) Provide a statement that the certifying official is authorized by the organization to certify and affirm all statements required for inclusion on the Charity List.

(b) The Director shall review these applications for accuracy, completeness, and compliance with these regulations. Failure to supply any of this information may be judged a failure to comply with the requirements of public accountability, and the charitable organization may be ruled ineligible for inclusion on the Charity List.

(c) The Director may request such additional information as the Director deems necessary to complete these reviews. An organization that fails to comply with such requests within 10 calendar days from the date of receipt of the request may be judged ineligible.

(d) The required certifications and documentation must have been completed and submitted prior to the application filing deadline.

(e) The Director may waive any of these standards and certifications upon a showing of extenuating circumstances.

§ 950.204 Eligibility decisions and appeals.

(a) Organizations applying for participation in the CFC will be notified of the eligibility decision electronically via the email address(es) listed in the charity application.

(b) Organizations that apply and are denied eligibility for inclusion on the Charity List may appeal the decision by submitting a request for reconsideration. This request must be received within 10 business days from the date the decision to deny eligibility was sent via email and shall be limited to those facts justifying the reversal of the original decision.

(c) All appeals must:

(1) Be in writing;

(2) Be received by the Director within 10 business days of the date the decision to deny the application was sent via email;

(3) Include a statement explaining the reason(s) why eligibility should be granted; and

(4) Include a copy of the communication from OPM disapproving the original application and supporting information to justify the reversal of the original decision.

(d) Applications or appeals of an adverse eligibility determination must be submitted in a timely manner as indicated above.

(e) Appeals may not be used to supplement applications with documents that did not exist or were not set forth in final form prior to the application deadline. For example, audited financial statements that were not prepared or were in draft form at the time of the deadline cannot be used to document eligibility. Similarly, charities that had applied for, but had not obtained, 501(c)(3) status from the IRS by the CFC application deadline are not eligible to participate for that campaign year.

(f) The Director's decision is final for administrative purposes.

Subpart C—Federations

§ 950.301 Federation eligibility.

(a) The Director may recognize federations that conform to the requirements set by the Director and are eligible to receive designations. In order to determine whether the Director will recognize a federation, the Director may request evidence of corrective action regarding any prior violation of regulation or directive, sanction, or

penalty, as appropriate. The Director retains the ultimate authority to decide whether the federation has demonstrated, to the Director's satisfaction, that the federation has taken appropriate corrective action. Failure to demonstrate satisfactory corrective action or to respond to the Director's request for information within 10 business days of the date of the request may result in a determination that the federation will not be included in the Charity List. The Director also reserves the authority to place a moratorium on the recognition of federations from time to time.

(b) By applying for inclusion in the CFC, federations consent to allow the Director complete access to its and its members' CFC books and records and to respond to requests for information by the Director.

(c) An organization may apply to the Director for inclusion as a federation to participate in the CFC if the applicant has, as members of the proposed federation, 15 or more charitable organizations, in addition to the federation itself, that meet the eligibility criteria of §§ 950.202 and 950.203. The federation must submit the applications of all its proposed member organizations annually.

(d) After an organization has been granted federation status, it may certify that its member organizations meet all eligibility criteria of § 950.202 and § 950.203 to be included on the Charity List. Federation status in a prior campaign is not a guarantee of federation status in a subsequent campaign. Failure to meet minimum federation eligibility requirements shall not be deemed to be a withdrawal of federation status subject to a hearing on the record.

(e) An applicant for federation status must annually certify and/or demonstrate:

(1) That all member organizations seeking participation in the CFC are qualified for inclusion on the National/International or International or Local part of the Charity List. Applicants must provide a complete list of those member organizations it certified in addition to each organization's complete application.

(2) That it meets the eligibility requirements and public accountability standards contained in § 950.202 and § 950.203. The federation can demonstrate that it has met the eligibility requirement in § 950.202(a) either through its own services, benefits, assistance or program activities or through its 15 members' activities.

(i) The federation must complete the certification set forth at § 950.203(a)(2) without regard to the amount of revenue reported on its IRS Form 990 and must provide a copy of its audited financial statements. The audited financial statements provided must verify that the federation is honoring designations made to each member organization by distributing a proportionate share of receipts based on donor designations to each member. The audit requirement is waived for newly created federations operating for less than two years from the date of its IRS tax-exemption letter to the closing date of the CFC application period.

(ii) The federation must provide a listing of its board of directors, beginning and ending dates of each member's current term of office, and the board's meeting dates and locations for the calendar year prior to the year of the campaign for which the organization is applying.

(3) That it does not employ in its CFC operations the services of private consultants, consulting firms, advertising agencies or similar business organizations to perform its policy-making or decision-making functions in the CFC. It may, however, contract with entities or individuals such as banks, accountants, lawyers, and other vendors of goods and/or services to assist in accomplishing its administrative tasks.

(f) The Director will notify a federation if it is determined that the federation does not meet the eligibility requirements of this section. A federation may appeal an adverse eligibility decision in accordance with § 950.204.

(g) The Director may waive any eligibility criteria for federation status if it is determined that such a waiver will be in the best interest of the CFC.

(h) Two organizations—American Red Cross and United Service Organization—are exempt from the 15-member requirement of paragraph (c) of this section.

§ 950.302 Responsibilities of federations.

(a) Federations must ensure that only those member organizations that comply with all eligibility requirements included in these regulations are certified for participation in the CFC.

(b) The Director may elect to review, accept or reject the certifications of the eligibility of the members of federations. If the Director requests information supporting a certification of eligibility, that information shall be furnished promptly. Failure to furnish such information within 10 business days of the receipt of the request constitutes grounds for the denial of national eligibility of that member.

(c) Each federation, as fiscal agent for its member organizations, must ensure that Federal employee designations are honored in that each member organization receives its proportionate share of receipts based on the results of each individual campaign. The proportionate share of receipts is determined by donor designations to the individual member organization as compared to total campaign designations.

(d) Federations must disburse CFC funds to each member organization without any further deductions. Membership dues, fees, or other charges to member organizations must be assessed outside of the CFC disbursement process.

(e) Federations must disburse CFC funds to member organizations on a quarterly basis, at a minimum. The disbursements must be made within the months of June, September, December, and March.

(f) Disbursements to federation members that include funds from a non-CFC campaign must include a report that clearly identifies the amount of CFC funds.

Subpart D—Campaign Information

§ 950.401 Campaign and publicity information.

(a) The specific campaign marketing and publicity information will be developed locally, except as specified in the regulations in this subpart. All information must be reviewed and approved by the LFCC for compliance with these regulations and will be developed and supplied by the LFCC or contracted agent.

(b) During the CFC solicitation period, a participating CFC organization may distribute bona fide educational information describing its services or programs. The organization must be granted permission by the Federal agency installation head, or designee to distribute the material. CFC Coordinators, Keyworkers, other employees or members of the LFCC, are not authorized to grant permission for the distribution of such information. If one organization is granted permission to distribute educational information, then the Federal agency installation head must allow any other requesting CFC organization to distribute educational information.

(c) Organizations and federations are encouraged to publicize their activities outside Federal facilities and to broadcast messages aimed at Federal employees in an attempt to solicit their contributions through the media and other outlets.

(d) Agency Heads are further authorized to permit the distribution by organizations of promotional information to Federal personnel in public areas of Federal workplaces in connection with the CFC, provided that the manner of distribution accords equal treatment to all charitable organizations furnishing such information for local use, and further provided that no such distribution shall utilize Federal personnel on official duty or interfere with Federal government activities. LFCC members and other campaign personnel are to be particularly aware of the prohibition of assisting any charitable organization or federated group in distributing any type of literature, especially during the campaign. Nothing in this section shall be construed to require a LFCC to distribute or arrange for the distribution of any material other than LFCC approved marketing materials.

(e) The Campaign Charity List and pledge form are the official sources of CFC information and shall be made available in electronic format to all potential contributors. The Charity List and pledging system must inform employees of their right to make a choice to contribute or not to contribute.

(f) Campaign marketing materials must be comprised of a simple and attractive design that is donor focused and has fundraising appeal and essential working information. The design must focus on the CFC without undue use of charitable organization symbols and logos or other distractions that compete for the donor's attention.

(g) The following applies specifically to the campaign Charity List:

(1) OPM will provide the approved Charity List as well as general campaign information. This will include:

(i) An explanation of the payroll deduction privilege.

(ii) A description and explanation of other electronic pledging, to include credit cards.

(iii) A statement that the donor may only designate charitable organizations or federations that are listed in the Charity List and that write-ins are prohibited.

(iv) Instructions as to how an employee may obtain more specific information about the programs and the finances of the organizations participating in the campaign.

(v) A description of employees' rights to pursue complaints of undue pressure or coercion in Federal fundraising activities.

(2) The Charity List will consist of National/International, International, and Local organizations. The order of these organizations will be rotated annually in accordance with OPM instructions. The order of listing of the federated and independent organizations will be determined by a random selection process. The order of organizations within each federation will be determined by the federation. The order within the National/International, International and Local independent groups will be alphabetical. Absent specific instructions from OPM to the contrary, each participating organization and federated group listing must include a description, not to exceed 256 characters, of its services and programs, plus a Web site address and telephone number for the Federal donor to obtain further information about the group's services, benefits, and administrative expenses. Each listing will include the organization's administration and fundraising percentage as calculated pursuant to § 950.203(a)(4). Neither the percentage of administrative and fundraising expenses, nor the Web site address or telephone number count toward the 256 character description.

(3) Each federation and charitable organization will be assigned a code in a manner determined by the Director. At the beginning of each federated group's listing will be the federation's name, code number, 256 character description, percentage of administrative and fundraising expenses, Web site address and telephone number. Each organization will be identified as National/International, International and Local, respectively.

(h) *Listing of national and local affiliate.* Listing of a national organization, as well as its local affiliate organization, is permitted. Each national or local organization must individually meet all of the eligibility criteria and submit independent documentation as required in § 950.202 and § 950.203 to be included in the Charity List. However, a local affiliate of a national organization that is not separately incorporated, in lieu of its own 26 U.S.C. 501(c)(3) tax exemption letter and, to the extent required by § 950.203(a)(2), audited financial statements, may submit the national organization's 26 U.S.C. 501(c)(3) tax exemption letter and audited financial statements, but must provide its own pro forma IRS Form 990, as defined in § 950.203(a)(3), for CFC purposes. The local affiliate must submit a certification from the Chief Executive Officer (CEO) or CEO equivalent of the national organization stating that it operates as a bonafide chapter or affiliate in good standing of the national organization and is covered by the national organization's 26 U.S.C. 501(c)(3) tax exemption, IRS Form 990 and audited financial statements.

(i) *Listing local offices.* Listing of a local organization, as well as its satellite offices, is permitted, as long as there is no more than one location within a county or parish. Each office must individually meet all of the eligibility criteria and submit independent documentation as required in § 950.202 and § 950.203 to be included in the Charity List. However, a satellite office that is not separately incorporated, in lieu of its own 26 U.S.C. 501(c)(3) tax exemption letter and, to the extent required by § 950.203(a)(2), audited financial statements, may submit the local organization's 26 U.S.C. 501(c)(3) tax exemption letter and audited financial statements, but must provide its own pro forma IRS Form 990, as defined in § 950.203(a)(3), for CFC purposes. The satellite office must submit a certification from the Chief Executive Officer (CEO) or CEO equivalent of the local organization stating that it operates as a bonafide office in good standing and is covered by the local organization's 26 U.S.C. 501(c)(3) tax exemption, IRS Form 990 and audited financial statements.

(j) *Multiple listing prohibited.* Except as provided in paragraphs (h) and (i) of this section, once an organization is deemed eligible, it is entitled to only one listing in the Charity List, regardless of the number of federations to which that organization belongs.

§ 950.402 Pledge form.

(a) The Director will provide guidance with regard to the data required for electronic pledge processing.

(b) An employee may not make a designation to an organization not listed in the Charity List. All pledges must be designated to specific CFC participating organization(s). No undesignated pledges will be allowed.

Subpart E—Miscellaneous Provisions

§ 950.501 Release of contributor information.

(a) The pledge form, designed pursuant to § 950.402, must allow a contributor to indicate if the contributor will allow his or her name, contribution amount, and home contact information to be forwarded to the charitable organization or organizations designated.

(b) The pledge form shall permit a contributor to specify which information, if any, he or she wishes released to organizations receiving his or her donations.

(c) It is the responsibility of the CCA to forward the contributor information

for those who have indicated that they wish this information to be released to the recipient organization directly, if the organization is independent, and to the organization's federation if the organization is a member of a federation. The contributor information must be forwarded as soon as practicable after the completion of the campaign, but in no case later than a date to be determined by OPM. The date will be part of the annual timetable issued by the Director under § 950.601(b). The federation is responsible for ensuring the information is released to the appropriate member organization. The CCA may not sell or make any other use of this information. Federations may not retain donor information for their own use unless the donor made a direct designation to the federation itself. This policy also prohibits the sharing of donor information, even free of charge.

§ 950.502 Solicitation methods.

(a) Employee solicitations shall be conducted during duty hours using methods that permit true voluntary giving and shall reserve to the individual the option of disclosing any gift or keeping it confidential. Campaign kick-offs, victory events, awards, and other non-solicitation events to build support for the CFC are encouraged.

(b) Special CFC events are permitted during the campaign if approved by the appropriate agency head or government official, consistent with agency ethics regulations. No costs for food or entertainment at a special event may be charged to the CFC. CFC special events must be undertaken in the spirit of generating interest in the CFC and be open to all individuals without regard to whether an individual participates in the CFC. If prizes are offered, they must be modest in nature and value. Examples of appropriate prizes may include opportunities for lunch with agency officials, agency parking spaces for a specific time period, and gifts of minimal financial value. Any special CFC event and associated prize or gift must be approved in advance by the Agency's ethics official to ensure that the special event is consistent with Office of Government Ethics regulations and its own regulations and policy. No funds may be raised or collected at these events.

§ 950.503 Sanctions and penalties.

(a)(1) The Director may impose sanctions or penalties on a federation, charitable organization or Outreach Coordinator for violating these regulations, other applicable provisions of law, or any directive or instruction from the Director. The Director will determine the appropriate sanction and/or penalty, up to and including expulsion from the CFC. In determining the appropriate sanction and/or penalty, the Director will consider previous violations, harm to Federal employee confidence in the CFC, and any other relevant factors. A federation, charitable organization or Outreach Coordinator will be notified in writing of the Director's intent to sanction and/or penalize and will have 10 business days from the date of receipt of the notice to submit a written response. The Director's final decision will be communicated in writing to the federation, charitable organization or marketing organization.

(2) The Director may withdraw federation status with respect to a National/International, International or Local federation that makes a false certification or fails to comply with any directive of the Director, or to respond in a timely fashion to a request by the Director for information or cooperation, including with respect to an investigation or in the settlement of disbursements. As stated in § 950.301(d), failure to meet minimum federation eligibility requirements shall not be deemed to be a withdrawal of federation status subject to a hearing on the record. Eligibility decisions shall follow the procedures in § 950.301(f). A federation will be notified in writing of the Director's intent to withdraw federation status for a period of up to one campaign and will have 10 business days from the date of receipt of the notice to submit a written response. On receipt of the response, or in the absence of a timely response, the Director or representative shall set a date, time, and place for a hearing. The federation shall be notified at least 10 business days in advance of the hearing. A hearing shall be conducted by a hearing officer designated by the Director unless it is waived in writing by the federation. After the hearing is held, or after the Director's receipt of the federation's written waiver of the hearing, the Director shall make a final decision on the record, taking into consideration the recommendation submitted by the hearing officer. The Director's final decision will be communicated in writing to the federation.

(3) A federation, charitable organization or Outreach Coordinator sanctioned or penalized under any provision of these regulations must demonstrate to the satisfaction of the Director that it has taken corrective action to resolve the reason for sanction and/or penalty and has implemented reasonable and appropriate controls to ensure that the situation will not occur again prior to being allowed to participate in subsequent CFCs.

(b) At the Director's discretion, CCAs, payroll offices and Federations may be directed to suspend distribution of current and future CFC donations from Federal employees to recipient organizations. CCAs, payroll offices and Federations shall immediately place suspended contributions in an interest bearing account until directed to do otherwise.

§ 950.504 Records retention.

Federations, CCAs and other participants in the CFC shall retain documents pertinent to the campaign for at least three completed campaigns. For example, documentation regarding the 2014 campaign must be retained through the completion of the 2016, 2017 and 2018 campaigns (*i.e.* until early 2020). Documents requested by OPM must be made available within 10 business days of the request.

§ 950.505 Sanctions compliance certification.

Each federation, federation member and independent organization applying for participation in the CFC must, as a condition of participation, complete a certification that it is in compliance with all statutes, Executive orders, and regulations restricting or prohibiting U.S. persons from engaging in transactions and dealings with countries, entities or individuals subject to economic sanctions administered by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC). Should any change in circumstances pertaining to this certification occur at any time, the organization must notify OPM's Office of CFC immediately. OPM will take such steps as it deems appropriate under the circumstances, including, but not limited to, notifying OFAC and/or other enforcement authorities of such change, suspending disbursement of CFC funds not yet disbursed, retracting (to the extent practicable) CFC funds already disbursed, and suspending or expelling the organization from the CFC.

Subpart F—CFC Timetable

§ 950.601 Campaign schedule.

(a) The Combined Federal Campaign will be conducted according to the following timetable.

(1) During a period between December and January, as determined by the Director, OPM will accept applications from organizations seeking to be listed on the Charity List.

(2) The Director will determine a date after the closing of the receipt of applications by which the Director will issue notices to each applicant organization of the results of the Director's review. The date will be part of the annual timetable issued by the Director under paragraph (b) of this section.

(3) The Director will determine the dates of the solicitation period, not to begin prior to September 1 or end later than January 15 of each year.

(b) The Director will issue a timetable annually for accepting and processing applications. The Director will issue the timetable for a campaign no later than October 31 of the year preceding the campaign.

Subpart G—Payroll Withholding

§ 950.701 Payroll allotment.

The policies and procedures in this section are authorized for payroll withholding operations in accordance with the Office of Personnel Management Pay Administration regulations in part 550 of this Title.

(a) *Applicability.* Voluntary payroll allotments will be authorized by all Federal departments and agencies for payment of charitable contributions to local CFC organizations.

(b) *Allotters.* The allotment privilege will be made available to Federal personnel as follows:

(1) Employees whose net pay regularly is sufficient to cover the allotment are eligible. An employee serving under an appointment limited to 1 year or less may make an allotment to a CFC when an appropriate official of the employing Federal agency determines that the employee will continue employment for a period sufficient to justify an allotment. This includes military reservists, National Guard, and other part-time and intermittent employees who are regularly employed.

(2) Members of the Uniformed Services are eligible, excluding those on only short-term assignment (less than 3 months).

(c) *Authorization.* Allotments will be totally voluntary and will be based upon contributor's individual authorization.

(1) The CFC Pledge Form, in conformance with § 950.402, is the only form for authorization of the CFC payroll allotment and may be reproduced. The pledge forms and official Charity List will be made available to employees electronically when charitable contributions are solicited.

(2) The electronic pledge is transmitted to the contributor's servicing payroll office in real time via the centralized pledge system.

(d) *Duration.* Authorization of allotments will be in the form of a term allotment. Term authorizations will be in effect for 1 full year—26, 24, or 12 pay periods depending on the allotter's pay schedule—starting with the first pay period after January 15 and ending with the last pay period that includes January 15 of the following year. Three months of employment is considered the minimum amount of time that is reasonable for establishing an allotment.

(e) *Amount.* Allotters will make a single allotment that is apportioned into equal amounts for deductions each pay period during the year.

(1) The minimum amount of the allotment will not be less than $1 per payday per charitable organization, with no restriction on the size of the increment above that minimum.

(2) No change of amount will be authorized for term allotments.

(3) No deduction will be made for any period in which the allotter's net pay, after all legal and previously authorized deductions, is insufficient to cover the CFC allotment. No adjustment will be made in subsequent periods to make up for missed deductions.

(f) *Discontinuance.* Term allotments will be discontinued automatically on expiration of the 1 year withholding period, or on the death, retirement, or separation of the allotter from the Federal service, whichever is earlier.

(1) An allotter may revoke a term authorization at any time by requesting it in writing from the payroll office. Discontinuance will be effective the first pay period beginning after receipt of the written revocation in the payroll office.

(2) A discontinued allotment will not be reinstated.

(g) *Transfer.* When an allotter moves to another organizational unit, whether in the same office or a different Department or agency, his or her allotment authorization must be transferred to the new payroll office.

Subpart H—Accounting and Distribution

§ 950.801 Accounting and distribution.

(a) *Remittance.* One electronic funds of the transfer (EFT) will be transmitted by the payroll office each pay period, in the gross amount of deductions on the basis of current authorizations, to the CCA.

(1) The EFT will be accompanied by an electronic transmittal identifying the Federal agency, the dates of the pay period, the pay period number, employee names and deduction amounts per individual employee.

(b) *Accounting.* (1) OPM may require Federal payroll offices to oversee the establishment of individual allotment accounts, the deductions each pay period, and the reconciliation of employee accounts in accordance with agency and Federal Accounting Standards and Office of Management and Budget requirements. OPM may further require that Federal payroll offices ensure the accuracy of remittances, as supported by current allotment authorizations, and internal accounting and auditing requirements.

(2) The CCA shall notify the federations, national and international organizations, and local organizations as soon as practicable after the completion of the campaign, but in no case later than a date to be determined by OPM, of the amounts, if any, designated to them and their member agencies. The date will be part of the annual timetable issued by the Director under § 950.601(b). The CCA is also responsible for distributing credit card, debit card, e-check, check and money order receipts and payroll deductions transmitted by the payroll offices. It is responsible for the accuracy of disbursements it transmits to recipients. The CCA will distribute all CFC receipts beginning April 1, and monthly thereafter. It shall remit the contributions to each organization or to the federation, if any, of which the organization is a member. At the close of each disbursement period, the CFC account shall have a balance of zero, based on the last reconciled bank statement.

(3) Federated organizations, or their designated agents, are responsible for:

(i) The accuracy of distribution among the charitable organizations of remittances from the CCA; and

(ii) Arrangements for an independent audit conducted by a certified public accountant agreed upon by the participating charitable organizations.

[FR Doc. 2014–08574 Filed 4–16–14; 8:45 am]

BILLING CODE 6325–58–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2010–0031]

Pine Shoot Beetle; Addition of Quarantined Areas and Regulated Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the pine shoot beetle regulations by adding areas in the States of Illinois, Maryland, Missouri, New York, and Virginia and the States of Indiana and New Jersey in their entirety to the list of quarantined areas. We are taking this action following the detection of pine shoot beetle in those areas. In addition, we are updating the list of regulated articles. These actions are necessary to prevent the spread of pine shoot beetle, a pest of pine trees, into noninfested areas of the United States.

DATES: This interim rule is effective April 17, 2014. We will consider all comments that we receive on or before June 16, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2010-0031*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2010–0031, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2010-0031* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mrs. Andrea Simao, National Policy Manager, Plant Health Programs, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737–1231; (301) 851–2067.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart Pine Shoot Beetle, (7 CFR 301.50 through 301.50–10, referred to below as the regulations) restrict the interstate movement of certain regulated articles from quarantined areas in order to prevent the spread of pine shoot beetle (PSB) into noninfested areas of the United States.

PSB is a destructive forest pest that attacks both managed and natural stands of pine and especially affects weak and dying trees. The beetle has been found in a variety of pine species (*Pinus* spp.) in the United States. Scotch pine (*P. sylvestris*) is the pest's preferred host. PSB has been reported to also occasionally attack other conifers such as fir (*Abies* spp.) and spruce (*Picea* spp.) at low levels. During ''shoot feeding,'' young beetles tunnel into the center of pine shoots (usually those from the current year's growth), causing stunted and distorted growth in host trees. Large infestations of PSB typically kill most of the lateral shoots near the tops of trees. In addition, PSB is a vector of several diseases of pine trees.

Quarantined Areas

Recent surveys conducted by State and Federal inspectors have revealed that additional areas in the States of Illinois, Indiana, Maryland, New Jersey, New York, and Virginia are infested with PSB. In addition, PSB has been found for the first time in areas in the State of Missouri. Copies of the surveys may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The regulations in § 301.50–3 provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a State, in which PSB has been found by an inspector, in which the Administrator has reason to believe that PSB is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which PSB has been found. The regulations further provide that less than an entire State will be designated as a quarantined area only if the Administrator determines that:

- The State has adopted and is enforcing a quarantine area and regulations that impose restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of those articles; and
- The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of PSB.

In accordance with these criteria, we are adding the following counties to the area quarantined for PSB: Cumberland, Effingham, Fayette, Knox, Mercer, Rock Island, and Warren Counties, IL; Baltimore, Carroll, Harford, and Howard Counties, MD; Adair, Clark, Lewis, Macon, and Marion Counties, MO; Dutchess, Putnam, and Westchester Counties, NY; and Loudon County, VA. The States of Indiana and New Jersey have elected to not continue their intrastate quarantines; therefore, this rule designates the States of Indiana and New Jersey in their entirety as quarantined areas.

Regulated Articles

Section 301.50–2 of the regulations designates certain items as regulated articles. Regulated articles may not be moved interstate from quarantined areas except in accordance with the conditions specified in §§ 301.50–4 through 301.50–10 of the regulations. Regulated articles listed in § 301.50–2(a) have included pine products (*Pinus* spp.) such as bark products, Christmas trees, logs with bark attached, lumber with bark attached, nursery stock, raw pine materials for pine wreaths and garlands, and stumps. There have been questions whether ''logs with bark attached'' includes firewood. To clarify that firewood is a regulated article, we are updating the list of regulated articles to include firewood.

Miscellaneous

In § 301.50–1, the definition of *regulated article* states that regulated articles are listed in § 301.50–2(a) or (b) of the subpart or are otherwise designated as a regulated article in accordance with § 301.50–2(c); however, there is no longer a paragraph (c) in § 301.50–2. Therefore, we are amending the definition of *regulated article* to reflect the current contents of § 301.50–2.

In § 301.50–7, paragraph (a) refers to the requirements for certificates and limited permits provided in paragraph (c) of § 301.50–5. Those requirements are actually in paragraph (d) of that section. We are correcting that error.

Emergency Action

The rulemaking is necessary on an emergency basis to prevent the spread of PSB to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. The full analysis may be viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov) or obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Pine shoot beetle damages urban ornamental trees and can cause economic losses to the timber industry. Entities also affected by this rule include nurseries, Christmas tree farms, logging operations, moving companies and others that sell, process, or move regulated articles interstate from the regulated areas. APHIS has identified approximately 4,080 entities in the areas discussed in this document that may be affected, of which at least 2,858 are nurseries and greenhouses, and at the minimum 1,222 are cut Christmas tree farms. There also may be sawmills and logging operations that may be affected, but we do not have information about them.

Regulated articles from quarantined areas may be moved interstate if accompanied by a certificate or limited permit. However, movement of cut Christmas pine trees and other regulated articles is generally local. Nurseries and greenhouses mostly specialize in production of deciduous landscape products rather than production of rooted pine Christmas trees and pine nursery stock.

Based on our review of available information, APHIS does not expect the interim rule to have a significant economic impact on small entities. In the absence of significant economic impacts, we have not identified alternatives that would minimize such impacts.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.50–1 is amended by revising the definition of *regulated article* to read as follows:

§ 301.50–1 Definitions.

* * * * *

Regulated article. Any article listed in § 301.50–2(a) of this subpart or otherwise designated as a regulated article in accordance with § 301.50–2(b) of this subpart.

* * * * *

§ 301.50–2 [Amended]

■ 3. In § 301.50–2, paragraph (a) is amended by adding the words ''and firewood'' after the word ''logs''.

■ 4. In § 301.50–3, paragraph (c) is amended as follows:

■ a. In the entries for Illinois, Maryland, New York, and Virginia, by adding new counties in alphabetical order.

■ b. By revising the entries for Indiana and New Jersey.

■ c. By adding, in alphabetical order, an entry for Missouri.

The revisions and additions read as follows:

§ 301.50–3 Quarantined areas.

* * * * *

(c) * * *

Illinois

* * * * *

Cumberland County. The entire county.

* * * * *

Effingham County. The entire county.

Fayette County. The entire county.

* * * * *

Knox County. The entire county.

* * * * *

Mercer County. The entire county.

* * * * *

Rock Island County. The entire county.

* * * * *

Warren County. The entire county.

* * * * *

Indiana

The entire State.

* * * * *

Maryland

* * * * *

Baltimore County. The entire county.

Carroll County. The entire county.

* * * * *

Harford County. The entire county.

Howard County. The entire county.

* * * * *

Missouri

Adair County. The entire county.

Clark County. The entire county.

Lewis County. The entire county.

Macon County. The entire county.

Marion County. The entire county.

* * * * *

New Jersey

The entire State.

New York

* * * * *

Dutchess County. The entire county.

* * * * *

Putnam County. The entire county.

* * * * *

Westchester County. The entire county.

* * * * *

Virginia

* * * * *

Loudon County. The entire county.

* * * * *

§ 301.50–7 [Amended]

■ 5. In § 301.50–7, paragraph (a) is amended by removing citation ''§ 301.50–5(c)'' and adding the citation ''§ 301.50–5(d)'' in its place.

Done in Washington, DC, this 14th day of April 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–08722 Filed 4–16–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2013–0004]

Asian Longhorned Beetle; Quarantined Areas in Ohio

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle regulations by adding a portion of Clermont County, OH, to the list of quarantined areas and restricting the interstate movement of regulated articles from that area. The interim rule was necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

DATES: Effective on April 17, 2014, we are adopting as a final rule the interim rule published at 78 FR 27853–27855 on May 13, 2013.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Senior Regulatory Policy Coordinator, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 851–2352.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB, *Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. The ALB regulations in 7 CFR 301.51–1 through 301.51–9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States.

In an interim rule [1] effective and published in the **Federal Register** on May 13, 2013 (78 FR 27853–27855, Docket No. APHIS–2013–0004), we amended § 301.51–3(c) by adding a portion of Clermont County, OH, to the list of quarantined areas.

Comments on the interim rule were required to be received on or before July 12, 2013. We received no comments by that date. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866, 12372, and 12988 and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

Regulatory Flexibility Act

This rule affirms an interim rule that amended the regulations by adding a portion of Clermont County, OH, to the list of quarantined areas and restricted the interstate movement of regulated articles from that area because of ALB.

In accordance with 5 U.S.C. 604, we have performed a final regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. Copies of the full analysis are available on the Regulations.gov Web site (see footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

In Ohio, entities likely to be affected by the interim rule include landscape companies, tree service companies, and waste haulers. Other types of businesses that may be impacted could include firewood dealers, trucking companies, construction companies, excavators, or property management companies. Additional costs of operating such businesses under ALB quarantine are small, and principally derive from self-inspection and certification of regulated material under compliance agreements. Most if not all of the businesses that were affected by the interim rule in Ohio are small entities.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 78 FR 27853–27855 on May 13, 2013.

Done in Washington, DC, this 14th day of April 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–08720 Filed 4–16–14; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim rule and its supporting economic analysis, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0004.*

FARM CREDIT ADMINISTRATION

12 CFR Part 630

Compensation, Retirement Programs, and Related Benefits

CFR Correction

In Title 12 of the Code of Federal Regulations, Parts 600 to 899, revised as of January 1, 2013, on page 322, in § 630.20, paragraph (i) is revised to read as follows:

§ 630.20 Contents of the annual report to investors.

* * * * *

(i) *Compensation of directors and senior officers.* State that information on the compensation of directors and senior officers of Farm Credit banks is contained in each bank's annual report to shareholders and that the annual report of each bank is available to investors upon request pursuant to § 630.3(g). State whether advisory votes were held in any of the disclosure entities during the reporting period and the results of such vote.

* * * * *

[FR Doc. 2014–08939 Filed 4–16–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0175; Airspace Docket No. 13–AGL–12]

Amendment of Class D and Class E Airspace; Traverse City, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D and Class E airspace at Traverse City, MI. Additional controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Cherry Capital Airport. This action enhances the safety and management of Instrument Flight Rule (IFR) operations at the airport. Geographic coordinates are also updated.

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: Scott Enander, Central Service Center,

Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7716.

SUPPLEMENTARY INFORMATION:

History

On January 8, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class D and E airspace for the Traverse City, MI, area, creating additional controlled airspace at Cherry Capital Airport (79 FR 1341) Docket No. FAA–2013–0175. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, it was discovered that the geographic coordinates of Cherry Capital Airport and the Traverse City VORTAC did not coincide with those in the FAA's aeronautical database. This action corrects those coordinates. Except for these changes, this action remains the same as that published in the NPRM.

Class D and Class E airspace designations are published in paragraph 5000, 6002, and 6005, respectively, of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class D airspace, Class E airspace designated as a surface area, and Class E airspace extending upward from 700 feet above the surface at Cherry Capital Airport, Traverse City, MI, to accommodate new standard instrument approach procedures at the airport. Accordingly, an additional segment to the Class D airspace and Class E surface area extends from the 4.4-mile radius of the airport to 5.3 miles south of the airport, and an additional segment to the Class E transition area extends from the 7.7-mile radius of the airport 10.3 miles south of the airport, retaining the safety and management of IFR aircraft in Class D and Class E airspace to/from the en route environment. Geographic coordinates of the airport are also updated to coincide with the FAA's aeronautical database.

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 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 U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Cherry Capital Airport, Traverse City, MI.

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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AGL MI D Traverse City, MI [Amended]

Traverse City, Cherry Capital Airport, MI
(Lat. 44°44′30″ N., long. 85°34′54″ W.)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 4.4-mile radius of Cherry Capital Airport, and within 1 mile each side of the 180° bearing from the airport extending from the 4.4-mile radius to 5.3 miles south of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6002 Class E Airspace designated as a surface area.

* * * * *

AGL MI E2 Traverse City, MI [Amended]

Traverse City, Cherry Capital Airport, MI
(Lat. 44°44′30″ N., long. 85°34′54″ W.)

Within a 4.4-mile radius of Cherry Capital Airport, and within 1 mile each side of the 180° bearing from the airport extending from the 4.4-mile radius to 5.3 miles south of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

* * * * *

AGL MI E5 Traverse City, MI [Amended]

Traverse City, Cherry Capital Airport, MI
(Lat. 44°44′30″ N., long. 85°34′54″ W.)
Traverse City VORTAC
(Lat. 44°40′04″ N., long. 85°33′00″ W.)
Point in Space Coordinates
(Lat. 44°39′08″ N., long. 85°35′17″ W.)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Cherry Capital Airport, and within 4 miles west and 8 miles east of the Traverse City VORTAC 158° radial extending from the 7.7-mile radius to 14.4 miles south of the airport, and within 3.2 miles west of the 169° bearing from the point in space extending from the 7.7-mile radius to 9 miles south of the airport, and within 2 miles each side of the 180° bearing from the airport extending from the 7.7-mile radius to 10.3 miles south of the airport.

Issued in Fort Worth, TX, on April 2, 2014.

Kent M. Wheeler,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–08695 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0596; Airspace Docket No. 13–ACE–11]

Amendment of Class E Airspace; Holdrege, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Holdrege, NE. Decommissioning of the Holdrege non-directional radio beacon (NDB) at Brewster Field Airport has made reconfiguration necessary for standard instrument approach procedures and for the safety and management of Instrument Flight Rule (IFR) operations at the airport. Geographic coordinates are also updated.

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: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7716.

SUPPLEMENTARY INFORMATION:

History

On January 8, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace for the Holdrege, NE, area, modifying controlled airspace at Brewster Field Airport (79 FR 1345) Docket No. FAA–2013–0596. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace extending upward from 700 feet above the surface for standard instrument approach procedures at Brewster Field Airport, Holdrege, NE. Airspace reconfiguration is necessary due to the decommissioning of the Holdrege NDB and the cancellation of the NDB approach, thereby removing the 7-mile segment extending from the 6.6-mile radius of the airport. Controlled airspace is necessary for the safety and management of IFR operations at the airport. Geographic coordinates are also adjusted to coincide with the FAA's aeronautical database.

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 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 U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Brewster Field Airport, Holdrege, NE.

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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ACE NE E5 Holdrege, NE [Amended]

Holdrege, Brewster Field Airport, NE
(Lat. 40°27′08″ N., long. 99°20′11″ W.)
Kearney VOR
(Lat. 40°43′32″ N., long. 99°00′19″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Brewster Field Airport, and within 2.6 miles each side of the Kearney VOR 222° radial extending from the 6.6-mile radius to 11 miles northeast of the airport.

Issued in Fort Worth, Texas, on April 2, 2014.

Kent M. Wheeler,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–08694 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0961; Airspace Docket No. 13–AEA–13]

RIN 2120–AA66

Amendment of VOR Federal Airways V–35 and V–276; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: This action changes the effective date of a final rule published in the **Federal Register** on April 1, 2014, amending VOR Federal airways V–35 and V–276 in the eastern United States. The FAA is taking this action to link the effective date of the airway amendments with the completion of the development of associated enroute and terminal procedures and the date for decommissioning the Tyrone, PA VORTAC.

DATES: The effective date of the final rule published on April 1, 2014 is delayed from May 29, 2014 to July 24, 2014.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, 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:

Background

Federal Register Document No. 2013–0961, Airspace Docket No. 13–AEA–13, published in the **Federal Register** on April 1, 2014 (79 FR 18153), amends VOR Federal airways V–35 and V–276 due to the planned decommissioning of the Tyrone, PA, VORTAC. The development of associated enroute and terminal procedures and decommissioning of the VORTAC are planned for July 24, 2014, therefore the rule amending of V–35 and V–276 is delayed until that date.

VOR Federal airways are published in paragraph 6010 of FAA Order 7400.9X, dated August 7, 2013, and effective September 5, 2013, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be subsequently published in the Order.

Delay of Effective Date

Accordingly, pursuant to the authority delegated to me, the effective date of the final rule, Airspace Docket 13–AEA–13, as published in the **Federal Register** on April 1, 2014 (79 FR 18153), is hereby delayed until July 24, 2014.

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

Issued in Washington, DC, on April 10, 2014.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2014–08693 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0606; Airspace Docket No. 13–ACE–12]

Establishment of Class E Airspace; Warsaw, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Warsaw, MO. Controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Warsaw Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

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: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7716.

SUPPLEMENTARY INFORMATION:

History

On January 8, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Warsaw, MO, area, creating controlled airspace at Warsaw Municipal Airport (79 FR 1346) Docket No. FAA–2013–0606. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Warsaw Municipal Airport, Warsaw, MO, for new standard instrument approach procedures developed at the airport. Controlled airspace is needed for the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that 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 U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Warsaw Municipal Airport, Warsaw, MO.

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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 Warsaw, MO [New]

Warsaw Municipal Airport, MO
(Lat. 38°20′52″ N., long. 93°20′43″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Warsaw Municipal Airport.

Issued in Fort Worth, Texas, on April 2, 2014.

Kent M. Wheeler,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–08692 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30950; Amdt. No. 3583]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 17, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 2014.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and

textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on March 14, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 1 MAY 2014

Traverse City, MI, Cherry Capitol, RNAV (GPS) RWY 18, Orig
Memphis, TN, Memphis Intl, ILS OR LOC RWY 27, Amdt 4A
Memphis, TN, Memphis Intl, RNAV (GPS) RWY 27, Amdt 2A
Nashville, TN, John C Tune, Takeoff Minimums and Obstacle DP, Amdt 1
Shelton, WA, Sanderson Field, GPS RWY 23, Amdt 1, CANCELED
Shelton, WA, Sanderson Field, NDB–A, Amdt 3
Shelton, WA, Sanderson Field, RNAV (GPS) RWY 23, Orig

Effective 29 MAY 2014

Central, AK, Central, RNAV (GPS) RWY 8, Orig
Central, AK, Central, RNAV (GPS) RWY 26, Orig
Central, AK, Central, Takeoff Minimums and Obstacle DP, Orig
Eagle, AK, Eagle, RNAV (GPS)-A, Orig
Eagle, AK, Eagle, Takeoff Minimums and Obstacle DP, Orig
Holy Cross, AK, Holy Cross, RNAV (GPS) RWY 1, Orig-B
Holy Cross, AK, Holy Cross, RNAV (GPS) RWY 19, Orig-B
Colorado Springs, CO, City of Colorado Springs Muni, ILS OR LOC RWY 17L, ILS RWY 17L (SA CAT I), ILS RWY 17L (SA CAT II), Amdt 2
Colorado Springs, CO, City of Colorado Springs Muni, RNAV (GPS) Y RWY 17L, Amdt 2
Colorado Springs, CO, City of Colorado Springs Muni, RNAV (RNP) Z RWY 17L, Amdt 1
Meeker, CO, Meeker Coulter Fld, RNAV (GPS) RWY 3, Amdt 3A
Kahului, HI, Kahului, Takeoff Minimums and Obstacle DP, Amdt 7
Belleville, IL, Scott AFB/MidAmerica, ILS OR LOC RWY 32R, Orig-E
Belleville, IL, Scott AFB/MidAmerica, ILS OR LOC/DME RWY 14L, Orig-E
Belleville, IL, Scott AFB/MidAmerica, RNAV (GPS) RWY 32R, Orig-A
Vandalia, IL, Vandalia Muni, VOR RWY 18, Amdt 12
Madison, IN, Madison Muni, RNAV (GPS) RWY 3, Amdt 1B
Madison, IN, Madison Muni, VOR/DME RWY 3, Amdt 9, CANCELED
North Vernon, IN, North Vernon, RNAV (GPS) RWY 5, Orig-A
Manistee, MI, Manistee Co.-Blacker, ILS OR LOC RWY 28, Amdt 1A
Manistee, MI, Manistee Co.-Blacker, RNAV (GPS) RWY 10, Orig-A
Manistee, MI, Manistee Co.-Blacker, RNAV (GPS) RWY 28, Orig-A
Manistee, MI, Manistee Co.-Blacker, Takeoff Minimums and Obstacle DP, Amdt 7
Manistee, MI, Manistee Co.-Blacker, VOR RWY 10, Amdt 1A
Manistee, MI, Manistee Co.-Blacker, VOR RWY 28, Amdt 1A
Lamar, MO, Lamar Muni, NDB RWY 3, Amdt 1, CANCELED
Lamar, MO, Lamar Muni, RNAV (GPS) RWY 3, Amdt 1
Lamar, MO, Lamar Muni, RNAV (GPS) RWY 17, Orig
Lamar, MO, Lamar Muni, RNAV (GPS) RWY 35, Orig
Lamar, MO, Lamar Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Bemidji, MN, Bemidji Rgnl, VOR/DME RWY 13, Amdt 1
Bemidji, MN, Bemidji Rgnl, VOR/DME RWY 31, Amdt 1
Albuquerque, NM, Albuquerque Intl Sunport, RADAR–1, Amdt 21
Albuquerque, NM, Albuquerque Intl Sunport, RNAV (RNP) Y RWY 26, Amdt 1
Albuquerque, NM, Albuquerque Intl Sunport, RNAV (RNP) Z RWY 8, Amdt 1
Albuquerque, NM, Albuquerque Intl Sunport, RNAV (RNP) Z RWY 21, Amdt 1
Albuquerque, NM, Albuquerque Intl Sunport, RNAV (RNP) Z RWY 26, Amdt 1
Albuquerque, NM, Albuquerque Intl Sunport, Takeoff Minimums and Obstacle DP, Amdt 7
Silver City, NM, Grant County, SILVER CITY ONE, Graphic DP
Silver City, NM, Grant County, Takeoff Minimums and Obstacle DP, Amdt 2
Wilmington, OH, Wilmington Air Park, VOR RWY 4L, Amdt 6
Clinton, OK, Clinton Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
Ballinger, TX, Bruce Field, NDB RWY 35, Amdt 2, CANCELED
Baytown, TX, RWJ Airpark, Takeoff Minimums and Obstacle DP, Amdt 1
Devine, TX, Devine Muni, RNAV (GPS) RWY 35, Orig-A
Hamilton, TX, Hamilton Muni, NDB RWY 36, Amdt 1, CANCELED
Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 8L, ILS RWY 8L (CAT II), ILS RWY 8L (CAT III), ILS RWY 8L (SA CAT I), Amdt 4
Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 8R, ILS RWY 8R (SA CAT II), ILS RWY 8R (SA CAT I), Amdt 25
Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 9, ILS RWY 9 (SA CAT I), ILS RWY 9 (SA CAT II), Amdt 10
Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 15R, Amdt 2
Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 26L, ILS RWY 26L (SA CAT I), ILS RWY 26L (CAT II), ILS RWY 26L (CAT III), Amdt 21

Houston, TX, George Bush Intercontinental/ Houston, ILS OR LOC RWY 26R, ILS RWY 26R (SA CAT I), ILS RWY 26R (CAT II), ILS RWY 26R (CAT III), Amdt 4
Houston, TX, George Bush Intercontinental/ Houston, ILS OR LOC RWY 27, ILS RWY 27 (CAT II), ILS RWY 27 (CAT III), ILS RWY 27 (SA CAT I), Amdt 10
Houston, TX, George Bush Intercontinental/ Houston, ILS OR LOC RWY 33R, Amdt 13
Houston, TX, George Bush Intercontinental/ Houston, RNAV (GPS) RWY 15R, Amdt 2
Houston, TX, George Bush Intercontinental/ Houston, RNAV (GPS) RWY 33R, Amdt 2
Houston, TX, George Bush Intercontinental/ Houston, RNAV (GPS) Z RWY 8L, Amdt 5
Houston, TX, George Bush Intercontinental/ Houston, RNAV (GPS) Z RWY 9, Amdt 5
Houston, TX, George Bush Intercontinental/ Houston, RNAV (GPS) Z RWY 26L, Amdt 4
Houston, TX, George Bush Intercontinental/ Houston, RNAV (GPS) Z RWY 26R, Amdt 4
Houston, TX, George Bush Intercontinental/ Houston, RNAV (GPS) Z RWY 27, Amdt 4
Houston, TX, George Bush Intercontinental/ Houston, RNAV (RNP) Y RWY 8L, Orig
Houston, TX, George Bush Intercontinental/ Houston, RNAV (RNP) Y RWY 27, Amdt 1
Houston, TX, William P Hobby, ILS OR LOC RWY 4, ILS RWY 4 (SA CAT I), ILS RWY 4 (CAT II), ILS RWY 4 (CAT III), Amdt 41
Houston, TX, William P Hobby, ILS OR LOC RWY 12R, Amdt 12B
Houston, TX, William P Hobby, ILS OR LOC RWY 30L, Amdt 6A
Houston, TX, William P Hobby, LOC RWY 22, Amdt 1A
Houston, TX, William P Hobby, RNAV (GPS) RWY 4, Amdt 2B
Houston, TX, William P Hobby, RNAV (GPS) RWY 12R, Amdt 1B
Houston, TX, William P Hobby, RNAV (GPS) RWY 17, Amdt 1A
Houston, TX, William P Hobby, RNAV (GPS) RWY 22, Amdt 2B
Houston, TX, William P Hobby, RNAV (GPS) RWY 30L, Amdt 2A
Houston, TX, William P Hobby, RNAV (GPS) RWY 35, Amdt 1B
Houston, TX, William P Hobby, Takeoff Minimums and Obstacle DP, Amdt 6
La Porte, TX, La Porte Muni, Takeoff Minimums and Obstacle DP, Amdt 6
Liberty, TX, Liberty Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Heber, UT, Heber City Muni-Russ McDonald Field, Takeoff Minimums and Obstacle DP, Amdt 3A

RESCINDED: On March 3, 2014 (79 FR 11703), the FAA published an Amendment in Docket No. 30941, Amdt No. 3575 to Part 97 of the Federal Aviation Regulations under section 97.33. The following entry for Murrieta/Temecula, CA, effective 3 April 2014 is hereby rescinded in its entirety:

Murrieta/Temecula, CA, French Valley, RNAV (GPS) RWY 18, Amdt 2

RESCINDED: On March 5, 2014 (79 FR 12381), the FAA published an Amendment in Docket No. 30943, Amdt No. 3577 to Part 97 of the Federal Aviation Regulations under section 97.29. The following entry for Dallas, TX, effective 6 March 2014 is hereby rescinded in its entirety:

Dallas, TX, Collin County Rgnl At Mc Kinney, ILS OR LOC RWY 18, Amdt 5

[FR Doc. 2014–08103 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30951; Amdt. No. 3584]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 17, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 2014.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination–

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

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

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes

contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on March 14, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
4/3/2014	MT	Conrad	Conrad	3/5459	02/03/14	This NOTAM, published in TL 14–07, is hereby rescinded in its entirety.
4/3/2014	AK	Yakutat	Yakutat	3/9556	01/24/14	This NOTAM, published in TL 14–07, is hereby rescinded in its entirety.
5/1/2014	OR	Corvallis	Corvallis Muni	4/0128	03/05/14	ILS OR LOC RWY 17, Amdt 3A.
5/1/2014	ID	Nampa	Nampa Muni	4/0135	03/03/14	RNAV (GPS) RWY 11, Amdt 2.
5/1/2014	NV	Tonopah	Tonopah	4/0138	03/03/14	RNAV (GPS) RWY 15, Orig.
5/1/2014	ND	Devils Lake	Devils Lake Rgnl	4/0296	03/10/14	VOR RWY 21, Orig-A.
5/1/2014	CA	Oakland	Metropolitan Oakland Intl	4/0737	03/03/14	RNAV (RNP) Z RWY 28L, Amdt 1.
5/1/2014	CO	Longmont	Vance Brand	4/1092	03/03/14	RNAV (GPS) RWY 29, Amdt 2.
5/1/2014	TX	Amarillo	Rick Husband Amarillo Intl.	4/1134	03/03/14	ILS OR LOC RWY 4, Amdt 22B.
5/1/2014	MN	Little Falls	Little Falls/Morrison County-Lindbergh Fld.	4/1555	03/05/14	Takeoff Minimums and (Obstacle) DP, Amdt 4.
5/1/2014	NH	Lebanon	Lebanon Muni	4/1595	03/05/14	ILS OR LOC RWY 18, Amdt 5B.
5/1/2014	MD	Frederick	Frederick Muni	4/2185	03/05/14	RNAV (GPS) RWY 5, Orig-A.
5/1/2014	TX	Arlington	Arlington Muni	4/2234	03/10/14	RNAV (GPS) RWY 34, Amdt 3.
5/1/2014.	TX	Arlington	Arlington Muni	4/2235	03/10/14	ILS OR LOC/DME RWY 34, Amdt 2.
5/1/2014	NE	Seward	Seward Muni	4/2236	03/10/14	Takeoff Minimums and (Obstacle) DP, Orig.
5/1/2014	AZ	Fort Huachuca Sierra Vista.	Sierra Vista Muni-Libby AAF.	4/2322	03/05/14	ILS OR LOC RWY 26, Amdt 4.
5/1/2014	GA	Cartersville	Cartersville	4/2455	03/03/14	VOR/DME A, Amdt 2A.
5/1/2014	PA	Mount Joy/Marietta	Donegal Springs Airpark	4/4344	03/10/14	RNAV (GPS) RWY 28, Orig.
5/1/2014	NJ	Newark	Newark Liberty Intl	4/4351	03/12/14	ILS OR LOC RWY 4R, Amdt 12D.
5/1/2014	SC	Pageland	Pageland	4/4352	03/10/14	NDB OR GPS RWY 23, Orig-B.
5/1/2014	CA	Sacramento	Sacramento Executive	4/4527	03/12/14	ILS OR LOC RWY 2, Amdt 24A.
5/1/2014	ID	Jerome	Jerome County	4/4981	03/03/14	VOR/DME A, Amdt 2.
5/1/2014	ID	Nampa	Nampa Muni	4/5261	03/03/14	RNAV (GPS) B, Orig.
5/1/2014	ID	Nampa	Nampa Muni	4/5272	03/03/14	NDB A, Amdt 1.
5/1/2014	NJ	Belmar/Farmingdale	Monmouth Executive	4/5431	03/12/14	VOR A, Amdt 3.
5/1/2014	NJ	Belmar/Farmingdale	Monmouth Executive	4/5432	03/12/14	RNAV (GPS) RWY 14, Orig.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
5/1/2014	OR	Aurora	Aurora State	4/5599	03/05/14	RNAV (GPS) RWY 17, Orig-C.
5/1/2014	CA	Porterville	Porterville Muni	4/6546	03/03/14	GPS RWY 30, Orig.
5/1/2014	CA	Petaluma	Petaluma Muni	4/6727	03/05/14	VOR RWY 29, Orig-A.
5/1/2014	CA	Oakland	Metropolitan Oakland Intl	4/6734	03/05/14	VOR RWY 10R, Amdt 9A.
5/1/2014	CA	Sacramento	Sacramento Executive	4/6869	03/03/14	VOR RWY 2, Amdt 10A.
5/1/2014	CA	Sacramento	Sacramento Executive	4/6871	03/03/14	RNAV (GPS) RWY 2, Orig-A.
5/1/2014	MT	Havre	Havre City-County	4/6966	03/05/14	VOR RWY 26, Amdt 9.
5/1/2014	MT	Havre	Havre City-County	4/6967	03/05/14	RNAV (GPS) RWY 8, Orig.
5/1/2014	MT	Havre	Havre City-County	4/6968	03/05/14	RNAV (GPS) RWY 26, Orig.
5/1/2014	OR	John Day	Grant Co Rgnl/Ogilvie Field.	4/7331	03/03/14	RNAV (GPS) Y RWY 9, Orig-C.
5/1/2014	OR	John Day	Grant Co Rgnl/Ogilvie Field.	4/7332	03/03/14	RNAV (GPS) Z RWY 9, Orig-C.
5/1/2014	WA	Shelton	Sanderson Field	4/7378	03/03/14	GPS RWY 5, Amdt 1A.
5/1/2014	TX	Crockett	Houston County	4/7394	03/05/14	RNAV (GPS) RWY 2, Orig.
5/1/2014	TX	Crockett	Houston County	4/7395	03/05/14	RNAV (GPS) RWY 20, Orig.
5/1/2014	IL	Marion	Williamson County Rgnl	4/7398	03/03/14	VOR RWY 2, Amdt 13B.
5/1/2014	IL	Marion	Williamson County Rgnl	4/7399	03/03/14	RNAV (GPS) RWY 20, Amdt 1.
5/1/2014	IL	Marion	Williamson County Rgnl	4/7400	03/03/14	RNAV (GPS) RWY 2, Amdt 1.
5/1/2014	IL	Marion	Williamson County Rgnl	4/7401	03/03/14	NDB RWY 20, Amdt 10B.
5/1/2014	IL	Marion	Williamson County Rgnl	4/7402	03/03/14	VOR RWY 20, Amdt 17B.
5/1/2014	IL	Marion	Williamson County Rgnl	4/7403	03/03/14	ILS OR LOC RWY 20, Amdt 12.
5/1/2014	FL	Pensacola	Pensacola Gulf Coast Rgnl.	4/8771	03/03/14	LOC RWY 26, Amdt 1.
5/1/2014	AL	Florala	Florala Muni	4/9175	03/03/14	RNAV (GPS) RWY 22, Amdt 1.
5/1/2014	MO	St Louis	Lambert-St Louis Intl	4/9239	03/05/14	ILS OR LOC RWY 30R, ILS RWY 30R (CAT II), ILS RWY 30R (CAT III), Amdt 10A.
5/1/2014	MO	St Louis	Lambert-St Louis Intl	4/9240	03/05/14	ILS OR LOC RWY 11, ILS RWY 11 (CAT II), ILS RWY 11 (CAT III), Orig-B.
5/1/2014	WA	Moses Lake	Grant Co Intl	4/9457	03/03/14	RNAV (RNP) Z RWY 14L, Orig.
5/1/2014	WA	Moses Lake	Grant Co Intl	4/9458	03/03/14	RNAV (GPS) Y RWY 14L, Amdt 1A.
5/1/2014	CA	Oroville	Oroville Muni	4/9765	03/05/14	VOR A, Amdt 7A.
5/1/2014	AZ	Fort Huachuca Sierra Vista.	Sierra Vista Muni-Libby AAF.	4/9914	03/03/14	VOR RWY 26, Amdt 5.
5/1/2014	AZ	Fort Huachuca Sierra Vista.	Sierra Vista Muni-Libby AAF.	4/9915	03/03/14	RNAV (GPS) RWY 8, Amdt 1A.

[FR Doc. 2014–08102 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Parts 718 and 725

RIN 1240–AA07

Black Lung Benefits Act: Standards for Chest Radiographs

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Final rule.

SUMMARY: Physicians and adjudicators use chest radiographs (X-rays) as a tool in evaluating whether a coal miner suffers from pneumoconiosis (black lung disease). Accordingly, the Department's regulations implementing the Black Lung Benefits Act allow the submission of radiographs in connection with benefit claims and set out quality standards for administering and interpreting film-based chest radiographs. This final rule updates the Department's existing film-radiograph standards and provides parallel standards for digital radiographs. This rule also updates outdated terminology and removes certain obsolete provisions.

DATES: This rule is effective May 19, 2014. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of May 19, 2014.

FOR FURTHER INFORMATION CONTACT: Gerald Delo, Deputy Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, 200 Constitution Avenue NW., Suite C–3520, Washington, DC 20210. Telephone: (202) 343–5907 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1–800–877–8339 for further information.

SUPPLEMENTARY INFORMATION:

I. Background of This Rulemaking

On June 13, 2013, the Office of Workers' Compensation Programs (OWCP) published a direct final rule (78 FR 35549) and a companion notice of proposed rulemaking (NPRM) (78 FR 35575) to update the existing quality standards for administering and interpreting film-based chest radiographs and to add parallel standards for digital radiographs for claims under the Black Lung Benefits Act (BLBA), 30 U.S.C. 901–944. Both documents stated that if OWCP received significant adverse comment, the direct final rule would be withdrawn. OWCP asked for comments on all issues related to the rule, including economic or other regulatory impacts on the regulated community. Because OWCP received significant adverse comment, OWCP withdrew the direct final rule on August 30, 2013, 78 FR 53645. This final rule completes the process begun by the notice of proposed rulemaking.

As explained in the NPRM, OWCP proposed adding digital radiography standards to the existing standards

because digital radiography systems are rapidly replacing traditional analog film-based systems in medical facilities. 78 FR 35576–35577. Because of this technology shift, claimants, coal mine operators, and the Department had been experiencing increasing difficulty in obtaining film chest X-rays of miners. Although interpretations of digital X-rays were admissible as ''other medical evidence'' under the catch-all provision at 20 CFR 718.107, the interpretation's proponent had to establish to the adjudicator's satisfaction that digital X-rays are medically acceptable and relevant to the claimant's entitlement to benefits. *See generally Webber* v. *Peabody Coal Co.,* 23 BLR 1–123 (2006) (*en banc*) *aff'd on recon.,* 24 BLR 1–1 (2007) (*en banc*); *Harris* v. *Old Ben Coal Co.,* 23 BLR 1–98 (2006) (*en banc*), *aff'd on recon.,* 24 BLR 1–13 (2007) (*en banc*). This led to mixed results from adjudicators, with some admitting digitally based interpretations and others refusing to consider them or affording them less weight based on the technology employed.

This final rule fills the technological gap with regulatory quality standards for digital radiographs. As it did when it first promulgated quality standards for film-based chest X-rays, *see* 78 FR 35576–35577 (summarizing history of X-ray quality standards and Department's authority to adopt them), the Department has based the standards adopted in this final rule largely on those promulgated in 2012 by the Department of Health and Human Services for use in the National Institute for Occupational Safety and Health (NIOSH) Coal Workers' Health Surveillance Program (CWHSP) (the NIOSH rules). *See* 42 CFR 37.1 *et seq.; see also* 77 FR 56718–56735 (September 13, 2012) (NIOSH final rule); 77 FR 1360–1385 (January 9, 2012) (NIOSH proposed rule). Under the CWHSP, NIOSH approves medical facilities for participation in monitoring the health of the nation's coal miners through periodic chest X-ray screening. *See* 42 CFR 37.44–37.45; *see also* 78 FR 35577 (discussing the CWHSP). Congress designated NIOSH as the Department's statutory advisor for establishing standards for BLBA medical testing. 30 U.S.C. 902(f)(1)(D).

The standards adopted here will ensure that claim adjudications continue to be based on high-quality, uniform radiographs. By adopting quality standards for digitally acquired chest X-rays, the Department intends that interpretations of film and digital X-rays—so long as they are made and interpreted in accordance with the applicable quality standards—will be put on equal footing both for admission into evidence and for the weight accorded them. The final rule also retains the current regulatory quality standards for film-based chest X-rays with the minor terminology modifications explained in the NPRM. *See* 78 FR 35579. The final rule does not impose any new requirements on the parties in BLBA claims; instead, it merely provides the parties another option for developing medical evidence in claim proceedings.

II. Statutory Authority

Section 426(a) of the BLBA, 30 U.S.C. 936(a), authorizes the Secretary of Labor to prescribe all rules and regulations necessary for the administration and enforcement of the Act. The BLBA also authorizes the Secretary of Labor, in consultation with NIOSH, to ''establish criteria for all appropriate medical tests'' administered in connection with a benefits claim, 30 U.S.C. 902(f)(1)(D), and to ''establish specific requirements for the techniques used to take [X-rays] of the chest'' to ensure their quality. 30 U.S.C. 923(b).

III. Discussion of Comments

The Department received comments from only three sources: The American College of Radiology (ACR), a coal mine operator, and an insurance company that insures coal mine operators for BLBA liabilities. The latter two submissions (industry comments) were identical in all substantive respects. While the commenters commend the Department for moving forward with digital radiograph standards, they also criticize the proposed rules. Their comments pertain primarily to very limited portions of § 718.102 and Part 718, Appendix A. The Department had proposed substantially revising these regulations to allow parties the option of submitting X-rays that are produced either by film or digital radiography systems. The Department explained in detail each of the proposed revisions, deletions, and additions in the NPRM. *See* 78 FR 35577–79.

The Department has considered the comments received but declines to revise the proposed rule for the reasons set forth in this section. In reaching this conclusion, the Department consulted extensively with NIOSH, and NIOSH has reviewed this final rule. The Department's response to cost-related comments is set forth below in the section on Executive Orders 12866 and 13563.

20 CFR 718.102(c) and Part 718 Appendix A, Paragraph (d)(16): Converted Radiographs

Section 718.102(c) and paragraph (d)(16) of Appendix A, as proposed, prohibit the use of interpretations of X-rays that have been converted from digital to film, or vice-versa. The Department proposed the limitation because NIOSH had determined that these ''converted'' radiographs do not assure similar results to that obtained from film under the existing standards. *See* 78 FR 35578.

The ACR and the industry comments ask the Department to remove this provision from the regulation. Acknowledging that converted images are not ideal, the ACR states that they nevertheless can be adequate for interpretation. The industry comments claim that using converted images is a common practice and that disallowing their use is inconsistent with the Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconiosis, 2011 edition. Both the ACR and the industry argue that determining whether any particular converted image is of sufficient quality and suitable for classification under the ILO Guidelines should be left to a qualified B-reader's discretion.

All parties recognize the importance of valid, accurate medical evidence in claims adjudications. In promulgating these rules, the Department is expanding accessibility to medical providers by permitting the use of digitally acquired images. But it must still assure that decisions regarding a miner's physical condition do not vary depending on the radiographic technology used for evaluations.

A primary difficulty with using converted images is that, at the current time, the Department is unaware of specifications for equipment, procedures, and methods that can assure the accuracy and precision of converted images when used for ILO classification purposes. In fact, the available scientific evidence casts doubt on the accuracy of some converted images. Studies of digital images converted to film showed that the apparent profusion of small opacities was greater on printed hard copies of digital images than on either digitally acquired radiographs displayed on a monitor or analog film-based radiographs obtained at the same time. Franzblau A, Kazerooni EA, Sen A, Goodsitt MM, Lee SY, Rosenman KD, Lockey JE, Meyer CA, Gillespie BW, Petsonk EL, Wang ML [2009], Comparison of digital radiographs with

film radiographs for the classification of pneumoconiosis, Acad Radiol 16(6):669–677. *See also* 78 FR 35578 *citing* 77 FR 1366 (NIOSH discussion of scientific studies). Moreover, there is no standardized approach to the process of creating the hard copy or for the equipment used to do so.

The Department also lacks data about the accuracy of scanned, digitized images obtained from analog chest radiographs when used for ILO classification purposes. Theoretically, available image receptors for digital radiography systems can detect a depth of gray scale that is considerably greater than for analog photographic film, and the additional gray scale is not available when analog images are scanned to digital. Signal processing after digital image acquisition also generally improves the visualization of structures that might not be visible on an analog film image, for example those overlying the mediastinum and heart. This post-processing cannot generally be done when analog images are digitized. Another barrier to using scanned, digitized versions of analog images is the absence of an industry-wide standard for the digitizing process that is documented to provide image characteristics that are relatively uniform and acceptable for pneumoconiosis classification. Specifications, operation, and maintenance of the scanning equipment used to digitize images can all affect the quality of the resulting image.

The industry comments state that disallowing converted radiographs is contrary to the ILO Guidelines and that the ILO itself converted its standard film radiographs to create standardized digital images for use with the ILO classification system. While the ILO Guidelines do not prohibit application of the classification system to converted radiographs, the Guidelines are necessarily broad because they are used worldwide, including countries where the industry has strict standards for conversion processes and the associated hardware (*e.g.,* printers and scanners). In fact, the ILO's experience in digitizing its standard analog films highlights the problems with the digital conversion process and the difficulty of preserving the integrity of pneumoconiotic findings during that process. It is a highly subjective process that is not easily routinized; multiple iterations and software manipulations were required to provide images with characteristics that the ILO experts felt adequately reflected their original standard films. These labor-intensive efforts are simply not a normal part of current clinical practice in the United States, and it is unlikely a clinician would go to such extraordinary lengths to ensure accurate conversion of an individual miner's radiographs. Although the ACR comment asserts that existing technology can display excellent analog images converted from digitally-acquired images, it does not include any details or other information on that technology for the Department to consider.

The Department also does not agree that detection of quality problems in the conversion process should be left to certified B readers for several reasons. First, even assuming a B-reader could detect quality problems, parties are not required to submit interpretations made by B-readers or physicians who specialize in radiology. Readings made by the miner's treating physician or pulmonologist are often offered as evidence, even when these physicians are not certified B-readers. Thus, it is important that the radiographs themselves are consistently high-quality for all interpreting physicians. Second, the Department is not confident that a B-reader could reliably detect quality deficiencies such as data loss from the converted image alone, and the Department is unaware of any scientific studies suggesting otherwise. Finally, leaving the validity of converted radiographs to resolution on a claim-by-claim, radiograph-by-radiograph basis would generate additional litigation in BLBA claims. The quality standards are designed to avoid such a result.

In sum, the Department is unaware of any scientific evidence supporting the use of converted radiographs for pneumoconiosis classification, and the comments point to none. The Department intends to monitor the scientific literature, and will consider further modification of the rule if additional evidence becomes available regarding specific methods of converting images between analog and digital formats, and the equivalence of ILO classifications of such converted images.

The commenters suggest two alternatives to banning converted radiographs. First, they ask the Department to allow interpretations of converted images to be submitted under § 718.107, which permits submission of ''any medically acceptable test or procedure reported by a physician and *not addressed in this subpart*[.]'' 20 CFR 718.107(a) (*emphasis added*). The submitting party must demonstrate the medical acceptability of the test or procedure and its relevance to the claim's adjudication. 20 CFR 718.107(b). Section 718.107 is a flexible catch-all provision for admitting existing or future types of testing *not* specifically addressed by the regulatory quality standards at 20 CFR 718.101–718.106 (standards for chest X-rays, pulmonary function tests, reports of physical examinations, arterial blood gas studies, and autopsy and biopsy evidence). For instance, parties may submit chest computed tomography (CT) scan results under § 718.107 if the submitter satisfies the adjudicator as to its reliability and relevance because the Department has not established quality standards for that particular test. Likewise, prior to this final rule's promulgation, parties could submit interpretations based on digital chest radiographs under § 718.107 because the Department had not addressed that particular technology. *See, e.g., Harris* v. *Old Ben Coal Co.,* 23 BLR 1–98 (2006) *(en banc), aff'd on recon.,* 24 BLR 1–13 (2007) *(en banc).* Because the final rule now provides standards for digital radiographs, § 718.107's catch-all provision, by its plain language, no longer applies. Instead, the new rule embodies the Department's determination of what digital radiographs (and their interpretations) are medically acceptable for purposes of adjudicating BLBA claims. This relieves parties of the burden of proving medical acceptability in each case and sets a quality threshold for digital radiographic evidence used for entitlement determinations. To accept the commenter's suggestion and allow submission of digital radiographs under § 718.107 that do not meet the new criteria would effectively create a loophole that negates the very purpose of those criteria.

Second, the commenters ask the Department to delay the effective date of § 718.102(c) and Appendix A, paragraph (d)(16) for 2 to 3 years so that medical facilities and state regulatory bodies have time to comply with the rule. In support, the ACR states that some facilities may not have a system that allows for digital image transmission and that they should be allowed time to modernize their equipment to comply with the new standards. The ACR also notes at least one state requires film radiographs for workers' compensation evaluations and that it is unclear whether legal entities involved in state workers' compensation claims have the ability to display digital images on medical-grade monitors.

The Department does not agree that delaying the effective date of § 718.102(c) is necessary. While some facilities may not yet have acquired the equipment necessary to meet the final rule's requirements, many have. In 2011, prior to NIOSH's promulgation of

its digital radiography regulations, approximately sixty-one analog film facilities were approved to participate in the CWHSP. After NIOSH adopted digital radiography standards in 2012, the total number of NIOSH-approved facilities rose to ninety in 2013, with forty-two of these facilities approved to perform digital radiographs. This dramatic growth in the number of NIOSH-approved facilities would not have occurred so quickly if facilities either did not already have the capacity or could not easily acquire it to perform digital radiographs in compliance with the standards adopted in this final rule. More importantly, the regulations do not force any party to use digital radiography systems; the traditional analog film option remains available. Thus, if a state requires film radiographs, interpretations of those films will also be admissible in BLBA claims, provided the X-rays were administered and interpreted in compliance with the analog-film standards set forth in § 718.102 and Appendix A.

Part 718 Appendix A, Paragraph (d)(14): Software Availability for Interpreting Digital Radiographs

The industry comments state that no commercial picture archiving and communications system (PACS) vendors provide software that allows side-by-side display of the miner's radiograph with the ILO standard digital images. This method of interpreting digital radiographs is set forth in proposed Part 718 Appendix A, paragraph (d)(14). Although software availability is limited, facilities seeking to provide this service are not without options. Facilities can use the NIOSH BViewer software, which is offered free to the public and available on NIOSH's Web site. Facilities can also work with their PACS vendor to adapt existing software, utilize the BViewer software, or develop other innovative solutions. Indeed, at least one PACS provider has given NIOSH a software supplement that permits chest image classifications to be performed side-by-side with the ILO standard digital images on its commercially available system. The Department believes the availability of chest image classification software will increase as more of the industry utilizes digital systems. Moreover, limited software availability should not forestall the Department from adopting a rule for classifying digital radiographs for use by those facilities that currently have the capacity to meet the quality standards. Accordingly, no change has been made in response to this comment.

Remaining Provisions

No comments were received on several proposed provisions—§ 718.5 (incorporations by reference), § 718.202 (determining the existence of pneumoconiosis), and § 718.304 (Irrebuttable presumption of total disability or death due to pneumoconiosis). These regulations are therefore promulgated in this final rule as proposed with one technical revision to § 718.202(a)(3). As proposed, section 718.202(a)(3) included a cross-reference to § 718.306. 78 FR 35582. After the proposal was published, however, the Department promulgated a final rule revising § 718.202(a)(3) to remove the cross-reference because the Department had ceased publication of § 718.306. 78 FR 39114 (September 25, 2013). This final rule conforms § 718.202(a)(3) to the intervening September 25, 2013 final rule.

IV. Administrative Law Considerations

A. Information Collection Requirements (Subject to the Paperwork Reduction Act)

In the NPRM, the Department stated that the proposed rules did not impose any new information collections under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* 78 FR 35579. The final rule at § 718.102(f) requires physicians obtaining radiographs of miners on digital radiography systems to submit the radiograph in electronic format, rather than analog film format. The Department is incorporating this format change into an existing approved information collection titled ''Claim Adjudication Process for Alleged Presence of Pneumoconiosis,'' OMB Control Number 1240–0023. Although the Department does not believe this is a new information collection, changes the actual data collected, or alters the estimated information collection (paperwork) burdens imposed on the public, the additional electronic format option could be considered a change to an existing information collection currently approved under the PRA.

Accordingly, the Department published a notice in the **Federal Register** on November 19, 2013, 78 FR 69449, requesting comments from the public on revising the collection to include information in electronic format. The notice directed the public to submit comments to the Office of Management and Budget (OMB) on or before December 19, 2013. No comments were received. The Department also submitted a revised information collection request to OMB. OMB preapproved the revisions to the information collection on December 27, 2013. *See http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=1240-0023* (last visited Feb. 24, 2014).

B. Executive Orders 12866 and 13563 (Regulatory Planning and Review)

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department has considered this rule with these principles in mind and has concluded that the regulated community will greatly benefit from this regulation.

The Department fully explained this conclusion in the NPRM (78 FR 35579–80). The rule will increase access to radiographic technology, which in turn will increase the number of medical providers available to OWCP and reduce delays in processing miners' benefits claims; increase access for claimants and coal mine operators (and their insurers) to additional radiographic facilities; and relieve parties of the demanding evidentiary burden of proving medical acceptability of digital X-rays under § 718.107. The Department also considered whether the parties will realize any monetary benefits or incur any additional costs in light of this rule, and concluded that it is a cost-neutral rule. The rule expands opportunities for claimants and coal mine employers to obtain X-ray evidence, but does not require any party to use digital X-ray systems; medical facilities generally charge the same fee for film and digital radiographs; and miners' reimbursable travel costs may decrease if miners have access to a digital facility in their locality.

The industry comments state that the Department has underestimated the cost impact of the rule. They note that to comply with the requirements set forth in Part 718, Appendix A, medical facilities will need to obtain physics support, conduct annual testing of monitors, and purchase additional medical-grade monitors so that the X-ray interpreter can display the miner's digital radiograph side-by-side with the standard ILO-approved digital images when reading the radiograph. They believe these requirements will impose additional costs on medical facilities.

In the context of this rulemaking, the Department's primary concern is the direct financial impact on parties to BLBA claims. *Cf. Mid-Tex Elec. Coop., Inc.* v. *Fed. Energy Regulatory Comm'n,* 773 F.2d 327, 343 (D.C. Cir. 1985) (recognizing that ''Congress did not intend to require that every agency consider every indirect effect that any regulation might have on small businesses in any stratum of the national economy''). The comments neither suggest that the parties will incur higher costs to obtain digital radiographs than analog film radiographs nor disagree with the Department's analysis of that cost as set out in the NPRM. Thus, the Department continues to believe that the rule is cost-neutral for the parties in claim proceedings.

Looking further downstream at potential costs imposed on medical facilities, the Department notes that any costs incurred for purchasing and maintaining digital radiography systems is at the facilities' option and is not required by these rules. The final rule continues to allow submission of traditional analog film radiographs. Thus, facilities may proceed as they have in the past with no change in cost burden.

Facilities that choose to transition to a digital environment are already investing in the core hardware, software, and maintenance needed to perform digital radiography and evaluate digital images. As both the Department and NIOSH have noted, the burden imposed by these standards is low because they reflect standard industry practice and technology that digital-radiography facilities already follow. *See* 78 FR 35579; 77 FR 56724 (September 13, 2012); 77 FR 1372 (January 9, 2012). Although a particular facility might incur an added cost for purchasing an additional medical-grade monitor or computer processing unit so that images may be displayed side-by-side with the ILO standard images when interpreting them for pneumoconiosis—a requirement in both the NIOSH regulations and this final rule—the Department believes that many, if not most, radiography facilities already have this capacity. Notably, no member of the medical community commented on this requirement or raised cost-related concerns in response to either the NPRM or NIOSH's proposed rule.

Executive Order 13563 also instructs agencies to review ''rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them.'' As explained in the NPRM, this rule revises obsolete terms (*e.g.,* replacing ''roentgenogram'' with ''radiograph'' or ''X-ray''), discontinues publication of obsolete provisions (*e.g.,* the X-ray rereading prohibition provisions), and replaces the imprecise term ''shall.'' 78 FR 35577–35578. Because the Department received no comment on these revisions, the affected regulations have been promulgated as proposed.

Finally, because this is not a ''significant'' rule within the meaning of Executive Order 12866, the Office of Management and Budget has not reviewed it prior to publication.

C. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531 *et seq.,* directs agencies to assess the effects of Federal Regulatory Actions on State, local, and tribal governments, and the private sector, ''other than to the extent that such regulations incorporate requirements specifically set forth in law.'' 2 U.S.C. 1531. For purposes of the Unfunded Mandates Reform Act, this rule does not include any Federal mandate that may result in increased expenditures by State, local, tribal governments, or increased expenditures by the private sector of more than $100,000,000.

D. Regulatory Flexibility Act and Executive Order 13272 (Proper Consideration of Small Entities in Agency Rulemaking)

The Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601 *et seq.* (RFA), requires agencies to evaluate the potential impacts of their proposed and final rules on small businesses, small organizations, and small governmental jurisdictions and to prepare an analysis (called a ''regulatory flexibility analysis'') describing those impacts. *See* 5 U.S.C. 601, 603–604. But if the rule is not expected to ''have a significant economic impact on a substantial number of small entities[,]'' the RFA allows an agency to so certify in lieu of preparing the analysis. *See* 5 U.S.C. 605.

For the reasons set forth in the NPRM, the Department determined that a complete regulatory flexibility analysis was not necessary, and certified that the proposed rules would not have a significant economic impact on a substantial number of small entities. 78 FR 35580. The Department invited public comment on the certification and delivered a copy of the certification to the Chief Counsel for Advocacy of the Small Business Administration. *See generally* 5 U.S.C. 605.

The Chief Counsel for Advocacy has not filed comments on the certification. Although the industry comments state generally that medical facilities could incur additional costs under the new rule, these comments do not challenge the Department's stated factual basis for the certification: (1) Using digital radiography (and incurring associated additional costs, if any) is optional; (2) the costs for a party to obtain a film or digital radiograph are equivalent; and (3) the rule will benefit all parties by providing access to additional medical facilities. These comments also were not couched in terms of small business and made no allegation that the parties in claim proceedings would incur additional costs. *See, e.g., United Distrb. Companies* v. *Fed. Energy Regulatory Comm'n,* 88 F.3d 1105, 1170 (D.C. Cir. 1996) (holding that agency has ''no obligation to conduct a small entity impact analysis of effects on entities which it does not regulate''); *Mid-Tex Elec. Coop., Inc.,* 773 F.2d at 343; *see also White Eagle Coop. Ass'n* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009) (holding that milk producers did not have standing to bring challenge to regulation of milk market under the RFA where the regulation reached the producers only indirectly).

Because the comments provide no basis for departing from its prior conclusion, the Department again certifies that this rule will not have a significant economic impact on a substantial number of small entities. As a result, no regulatory impact analysis is required.

E. Executive Order 13132 (Federalism)

The Department has reviewed this rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' E.O. 13132, 64 FR 43255 (Aug. 4, 1999). The final rule will not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' *Id.*

F. Executive Order 12988 (Civil Justice Reform)

This rule meets the 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. 61 FR 4729 (Feb. 5, 1996).

G. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must

submit a report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. OWCP will report this rule's promulgation to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States simultaneously with publication of the rule in the **Federal Register**. The report will state that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 20 CFR Parts 718 and 725

Black lung benefits, Claims, Coal miners' entitlement to benefits, Incorporation by reference, Survivors' entitlement to benefits, Total disability due to pneumoconiosis, Workers' compensation, X-rays.

For the reasons set forth in the preamble, the Department of Labor amends 20 CFR parts 718 and 725 as follows:

PART 718—STANDARDS FOR DETERMINING COAL MINERS' TOTAL DISABILITY OR DEATH DUE TO PNEUMOCONIOSIS

■ 1. The authority citation for part 718 is revised to read as follows:

Authority: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174; 30 U.S.C. 901 *et seq.,* 902(f), 934, 936; 33 U.S.C. 901 *et seq.;* 42 U.S.C. 405; Secretary's Order 10–2009, 74 FR 58834.

■ 2. Add § 718.5 to Subpart A to read as follows:

§ 718.5 Incorporations by reference.

(a) The materials listed in paragraphs (b) through (f) of this section are incorporated by reference in this part. The Director of the Federal Register has approved these incorporations by reference under 5 U.S.C. 522(a) and 1 CFR part 51. To enforce any edition other than that specified in these regulations, OWCP must publish notice of change in the **Federal Register**. All approved material is available from the sources listed below. You may inspect a copy of the approved material at the Division of Coal Mine Workers' Compensation, OWCP, U.S. Department of Labor, Washington, DC. To arrange for an inspection at OWCP, call 202–693–0046. These materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federalregister/codeoffederalregulations/ibrlocations.html.*

(b) American Association of Physicists in Medicine, Order Department, Medical Physics Publishing, 4513 Vernon Blvd., Madison, WI 53705, *http://www.aapm.org/pubs/reports:*

(1) AAPM On-Line Report No. 03, Assessment of Display Performance for Medical Imaging Systems, April 2005, IBR approved for Appendix A to part 718, paragraph (d).

(2) AAPM Report No. 93, Acceptance Testing and Quality Control of Photostimulable Storage Phosphor Imaging Systems, October 2006, IBR approved for Appendix A to part 718, paragraph (d).

(c) American College of Radiology, 1891 Preston White Dr., Reston, VA 20191, *http://www.acr.org/~/media/ACR/Documents/PGTS/guidelines/Reference_Levels.pdf:*

(1) ACR Practice Guideline for Diagnostic Reference Levels in Medical X-Ray Imaging, Revised 2008 (Resolution 3), IBR approved for Appendix A to part 718, paragraph (d).

(2) [Reserved]

(d) International Labour Office, CH–1211 Geneva 22, Switzerland, *http://www.ilo.org/publns:* (1) Occupational Safety and Health Series No. 22, Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses, Revised edition 2011, IBR approved for § 718.102(d) and Appendix A to part 718, paragraph (d).

(2) Occupational Safety and Health Series No. 22 (Rev. 2000), Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses, Revised edition 2000, IBR approved for § 718.102(d).

(3) Occupational Safety and Health Series No. 22 (Rev. 80), Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses, Revised edition 1980, IBR approved for § 718.102(d).

(e) National Council on Radiation Protection and Measurements, NCRP Publications, 7910 Woodmont Avenue, Suite 400, Bethesda, MD 20814–3095, Telephone (800) 229–2652, *http://www.ncrppublications.org:*

(1) NCRP Report No. 102, Medical X–Ray, Electron Beam, and Gamma–Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance, and Use), issued June 30, 1989, IBR approved for Appendix A to part 718, paragraph (b).

(2) NCRP Report No. 105, Radiation Protection for Medical and Allied Health Personnel, issued October 30, 1989, IBR approved for Appendix A to part 718, paragraph (b).

(3) NCRP Report No. 147, Structural Shielding Design for Medical X–Ray Imaging Facilities, revised March 18, 2005, IBR approved for Appendix A to part 718, paragraph (b).

(f) National Electrical Manufacturers Association, 1300 N. 17th Street, Rosslyn, VA 22209, *http://medical.nema.org:*

(1) DICOM Standard PS 3.3–2011, Digital Imaging and Communications in Medicine (DICOM) standard, Part 3: Information Object Definitions, copyright 2011, IBR approved for Appendix A to part 718, paragraph (d).

(2) DICOM Standard PS 3.4–2011, Digital Imaging and Communications in Medicine (DICOM) standard, Part 4: Service Class Specifications, copyright 2011, IBR approved for Appendix A to part 718, paragraph (d).

(3) DICOM Standard PS 3.10–2011, Digital Imaging and Communications in Medicine (DICOM) standard, Part 10: Media Storage and File Format for Media Interchange, copyright 2011, IBR approved for Appendix A to part 718, paragraph (d).

(4) DICOM Standard PS 3.11–2011, Digital Imaging and Communications in Medicine (DICOM) standard, Part 11: Media Storage Application Profiles, copyright 2011, IBR approved for Appendix A to part 718, paragraph (d).

(5) DICOM Standard PS 3.12–2011, Digital Imaging and Communications in Medicine (DICOM) standard, Part 12: Media Formats and Physical Media for Media Interchange, copyright 2011, IBR approved for Appendix A to part 718, paragraph (d).

(6) DICOM Standard PS 3.14–2011, Digital Imaging and Communications in Medicine (DICOM) standard, Part 14: Grayscale Standard Display Function, copyright 2011, IBR approved for Appendix A to part 718, paragraph (d).

(7) DICOM Standard PS 3.16–2011, Digital Imaging and Communications in Medicine (DICOM) standard, Part 16: Content Mapping Resource, copyright 2011, IBR approved for Appendix A to part 718, paragraph (d).

■ 3. Revise § 718.101(a) to read as follows:

§ 718.101 General.

(a) The Office of Workers' Compensation Programs (hereinafter OWCP or the Office) must develop the medical evidence necessary to determine each claimant's entitlement to benefits. Each miner who files a claim for benefits under the Act must be provided an opportunity to substantiate his or her claim by means of a complete pulmonary evaluation including, but not limited to, a chest radiograph (X-

ray), physical examination, pulmonary function tests, and a blood-gas study.

* * * * *

■ 4. Revise § 718.102 to read as follows:

§ 718.102 Chest radiographs (X-rays).

(a) A chest radiograph (X-ray) must be of suitable quality for proper classification of pneumoconiosis and must conform to the standards for administration and interpretation of chest X-rays as described in Appendix A.

(b) Chest X-rays may be produced by either film or digital radiography systems as defined in Appendix A to this part.

(c) The images described in paragraphs (c)(1) and (2) of this section will not be considered of suitable quality for proper classification of pneumoconiosis under this section:

(1) Digital images derived from film screen chest X-rays (*e.g.,* by scanning or digital photography); and

(2) Images that were acquired using digital systems and then printed on transparencies for back-lighted display (*e.g.,* using traditional view boxes).

(d) Standards for classifying radiographs:

(1) To establish the existence of pneumoconiosis, a film chest X-ray must be classified as Category 1, 2, 3, A, B, or C, in accordance with the International Labour Organization (ILO) classification system established in one of the following:

(i) Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses, revised edition 2011 (incorporated by reference, *see* § 718.5).

(ii) Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses, revised edition 2000 (incorporated by reference, *see* § 718.5).

(iii) Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses, revised edition 1980 (incorporated by reference, *see* § 718.5).

(2) To establish the existence of pneumoconiosis, a digital chest radiograph must be classified as Category 1, 2, 3, A, B, or C, in accordance with the ILO classification system established in Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses, revised edition 2011.

(3) A chest radiograph classified under any of the foregoing ILO classification systems as Category 0, including subcategories 0-, 0/0, or 0/1, does not constitute evidence of pneumoconiosis.

(e) An X-ray report must include the following:

(1) The name and qualifications of the person who took the X-ray.

(2) The name and qualifications of the physician who interpreted the X-ray. The interpreting physician must indicate whether he or she was a Board-certified radiologist, a Board-eligible radiologist, or a Certified B Reader as defined below on the date the interpretation was made.

(i) *Board-certified radiologist* means that the physician is certified in radiology or diagnostic radiology by the American Board of Radiology, Inc., or the American Osteopathic Association.

(ii) *Board-eligible radiologist* means that the physician has successfully completed a formal accredited residency program in radiology or diagnostic radiology.

(iii) *Certified B Reader* means that the physician has demonstrated ongoing proficiency in evaluating chest radiographs for radiographic quality and in the use of the ILO classification for interpreting chest radiographs for pneumoconiosis and other diseases by taking and passing a specially designed proficiency examination given on behalf of or by the National Institute for Occupational Safety and Health (NIOSH), and has maintained that certification through the date the interpretation is made. *See* 42 CFR 37.52(b).

(3) A description and interpretation of the findings in terms of the ILO classification described in paragraph (d) of this section.

(4) A statement that the X-ray was interpreted in compliance with this section.

(f) Radiograph Submission: For film X-rays, the original film on which the X-ray report is based must be supplied to OWCP. For digital X-rays, a copy of the original digital object upon which the X-ray report is based, formatted to meet the standards for transmission of diagnostic chest images set forth in Appendix A, paragraph (d), must be provided to OWCP on a DVD or other media specified by OWCP. In cases where the law prohibits the parties or a physician from supplying the original film or a copy of the digital image, the report will be considered as evidence only if the original film or digital image is otherwise available to OWCP and the other parties.

(g) Where the chest X-ray of a deceased miner has been lost or destroyed, or is otherwise unavailable, a report of the chest X-ray submitted by any party may be considered in connection with the claim.

(h) Except as provided in this paragraph (h), no chest X-ray may constitute evidence of the presence or absence of pneumoconiosis unless it is conducted and reported in accordance with the requirements of this section and Appendix A. In the absence of evidence to the contrary, compliance with the requirements of Appendix A must be presumed. In the case of a deceased miner where the only available X-ray does not substantially comply with paragraphs (a) through (e) of this section, the X-ray may form the basis for a finding of the presence or absence of pneumoconiosis if it is of sufficient quality for determining whether pneumoconiosis is present and it was interpreted by a Board-certified radiologist, Board-eligible radiologist, or Certified B Reader.

■ 5. Revise § 718.202 to read as follows:

§ 718.202 Determining the existence of pneumoconiosis.

(a) A finding of the existence of pneumoconiosis may be made as follows in paragraphs (a)(1) through (4) of this section:

(1) A chest X-ray conducted and classified in accordance with § 718.102 may form the basis for a finding of the existence of pneumoconiosis. Except as otherwise provided in this section, where two or more X-ray reports are in conflict, in evaluating such X-ray reports consideration must be given to the radiological qualifications of the physicians interpreting such X-rays (*see* § 718.102(d)).

(2) A biopsy or autopsy conducted and reported in compliance with § 718.106 may be the basis for a finding of the existence of pneumoconiosis. A finding in an autopsy or biopsy of anthracotic pigmentation, however, must not be considered sufficient, by itself, to establish the existence of pneumoconiosis. A report of autopsy must be accepted unless there is evidence that the report is not accurate or that the claim has been fraudulently represented.

(3) If the presumptions described in § 718.304 or § 718.305 are applicable, it must be presumed that the miner is or was suffering from pneumoconiosis.

(4) A determination of the existence of pneumoconiosis may also be made if a physician, exercising sound medical judgment, notwithstanding a negative X-ray, finds that the miner suffers or suffered from pneumoconiosis as defined in § 718.201. Any such finding must be based on objective medical evidence such as blood-gas studies, electrocardiograms, pulmonary function studies, physical performance tests, physical examination, and medical and

work histories. Such a finding must be supported by a reasoned medical opinion.

(b) A claim for benefits must not be denied solely on the basis of a negative chest X-ray.

(c) A determination of the existence of pneumoconiosis must not be made—

(1) Solely on the basis of a living miner's statements or testimony; or

(2) In a claim involving a deceased miner, solely on the basis of the affidavit(s) (or equivalent testimony) of the claimant and/or his or her dependents who would be eligible for augmentation of the claimant's benefits if the claim were approved.

■ 6. Revise § 718.304 to read as follows:

§ 718.304 Irrebuttable presumption of total disability or death due to pneumoconiosis.

There is an irrebuttable presumption that a miner is totally disabled due to pneumoconiosis, that a miner's death was due to pneumoconiosis or that a miner was totally disabled due to pneumoconiosis at the time of death, if such miner is suffering or suffered from a chronic dust disease of the lung which:

(a) When diagnosed by chest X-ray (*see* § 718.202 concerning the standards for X-rays and the effect of interpretations of X-rays by physicians) yields one or more large opacities (greater than one centimeter in diameter) and would be classified in Category A, B, or C in accordance with the classification system established in Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses as provided in § 718.102(d); or

(b) When diagnosed by biopsy or autopsy, yields massive lesions in the lung; or

(c) When diagnosed by means other than those specified in paragraphs (a) and (b) of this section, would be a condition which could reasonably be expected to yield the results described in paragraph (a) or (b) of this section had diagnosis been made as therein described: *Provided, however,* that any diagnosis made under this paragraph must accord with acceptable medical procedures.

■ 7. Revise Appendix A to Part 718 to read as follows:

Appendix A to Part 718—Standards for Administration and Interpretation of Chest Radiographs (X-rays)

The following standards are established in accordance with sections 402(f)(1)(D) and 413(b) of the Act. They were developed in consultation with the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention in the Department of Health and Human Services. These standards are promulgated for the guidance of physicians and medical technicians to ensure that uniform procedures are used in administering and interpreting X-rays and that the best available medical evidence will be submitted in connection with a claim for black lung benefits. If it is established that one or more standards have not been met, the claims adjudicator may consider such fact in determining the evidentiary weight to be assigned to the physician's report of an X-ray.

(a) *Definitions.*

(1) *Digital radiography systems,* as used in this context, include both digital radiography (DR) and computed radiography (CR). Digital radiography is the term used for digital X-ray image acquisition systems in which the X-ray signals received by the image detector are converted nearly instantaneously to electronic signals without moveable cassettes. Computed radiography is the term for digital X-ray image acquisition systems that detect X-ray signals using a cassette-based photostimulable storage phosphor. Subsequently, the cassette is processed using a stimulating laser beam to convert the latent radiographic image to electronic signals which are then processed and stored so they can be displayed.

(2) *Qualified medical physicist* means an individual who is trained in evaluating the performance of radiographic equipment including radiation controls and facility quality assurance programs, and has the relevant current certification by a competent U.S. national board, or unrestricted license or approval from a U.S. State or Territory.

(3) *Radiographic technique chart* means a table that specifies the types of cassette, intensifying screen, film or digital detector, grid, filter, and lists X-ray machine settings (timing, kVp, mA) that enables the radiographer to select the correct settings based on the body habitus or the thickness of the chest tissue.

(4) *Radiologic technologist* means an individual who has met the requirements for privileges to perform general radiographic procedures and for competence in using the equipment and software employed by the examining facility to obtain chest images as specified by the State or Territory and examining facility in which such services are provided. Optimally, such an individual will have completed a formal training program in radiography leading to a certificate, an associate's degree, or a bachelor's degree and participated in the voluntary initial certification and annual renewal of registration for radiologic technologists offered by the American Registry of Radiologic Technologists.

(5) *Soft copy* means the image of a coal miner's chest radiograph acquired using a digital radiography system, viewed at the full resolution of the image acquisition system using an electronic medical image display device.

(b) *General provisions.*

(1) Facilities must maintain ongoing licensure and certification under relevant local, State, and Federal laws and regulations for all digital equipment and related processes covered by this Appendix. Radiographic equipment, its use and the facilities (including mobile facilities) in which such equipment is used must conform to applicable State or Territorial and Federal regulations. Where no applicable regulations exist regarding reducing the risk from ionizing radiation exposure in the clinical setting, radiographic equipment, its use and the facilities (including mobile facilities) in which such equipment is used should conform to the recommendations in NCRP Report No. 102, NCRP Report No. 105, and NCRP Report No. 147 (incorporated by reference, *see* § 718.5).

(2) Chest radiographs of miners must be performed:

(i) By or under the supervision of a physician who makes chest radiographs in the normal course of practice and who has demonstrated ability to make chest radiographs of a quality to best ascertain the presence of pneumoconiosis; or

(ii) By a radiologic technologist.

(3) Miners must be disrobed from the waist up at the time the radiograph is given. The facility must provide a dressing area and for those miners who wish to use one, the facility will provide a clean gown. Facilities must be heated to a comfortable temperature.

(4) Before the miner is advised that the examination is concluded, the radiograph must be processed and inspected and accepted for quality standards by the physician, or if the physician is not available, acceptance may be made by the radiologic technologist. In a case of a substandard radiograph, another must be made immediately.

(c) *Chest radiograph specifications—film.*

(1) Every chest radiograph must be a single posteroanterior projection at full inspiration on a film being no less than 14 by 17 inch film. Additional chest films or views must be obtained if they are necessary for clarification and classification. The film and cassette must be capable of being positioned both vertically and horizontally so that the chest radiograph will include both apices and costophrenic angles. If a miner is too large to permit the above requirements, then a projection with minimum loss of costophrenic angle must be made.

(2) Radiographs must be made with a diagnostic X-ray machine having a rotating anode tube with a maximum of a 2 mm source (focal spot).

(3) Except as provided in paragraph (c)(4) of this appendix, radiographs must be made with units having generators that comply with the following:

(i) Generators of existing radiographic units acquired by the examining facility prior to July 27, 1973, must have a minimum rating of 200 mA at 100 kVp;

(ii) Generators of units acquired subsequent to that date must have a minimum rating of 300 mA at 125 kVp. A generator with a rating of 150 kVp is recommended.

(4) Radiographs made with battery-powered mobile or portable equipment must be made with units having a minimum rating of 100 mA at 110 kVp at 500 Hz, or 200 mA at 110 kVp at 60 Hz.

(5) Capacitor discharge and field emission units may be used.

(6) Radiographs must be given only with equipment having a beam-limiting device that does not cause large unexposed boundaries. The use of such a device must be discernible from an examination of the radiograph.

(7) To ensure high quality chest radiographs:

(i) The maximum exposure time must not exceed 50 milliseconds except that with single phase units with a rating less than 300 mA at 125 kVp and subjects with chests over 28 cm postero-anterior, the exposure may be increased to not more than 100 milliseconds;

(ii) The source or focal spot to film distance must be at least 6 feet.

(iii) Medium-speed film and medium-speed intensifying screens are recommended. However, any film-screen combination, the rated ''speed'' of which is at least 100 and does not exceed 300, which produces radiographs with spatial resolution, contrast, latitude and quantum mottle similar to those of systems designated as ''medium speed'' may be employed;

(iv) Film-screen contact must be maintained and verified at 6-month or shorter intervals.

(v) Intensifying screens must be inspected at least once a month and cleaned when necessary by the method recommended by the manufacturer;

(vi) All intensifying screens in a cassette must be of the same type and made by the same manufacturer;

(vii) When using over 90 kV, a suitable grid or other means of reducing scattered radiation must be used;

(viii) The geometry of the radiographic system must ensure that the central axis (ray) of the primary beam is perpendicular to the plane of the film surface and impinges on the center of the film.

(8) Radiographic processing:

(i) Either automatic or manual film processing is acceptable. A constant time-temperature technique must be meticulously employed for manual processing.

(ii) If mineral or other impurities in the processing water introduce difficulty in obtaining a high-quality radiograph, a suitable filter or purification system must be used.

(9) An electric power supply must be used that complies with the voltage, current, and regulation specified by the manufacturer of the machine.

(10) A test object may be required on each radiograph for an objective evaluation of film quality at the discretion of the Department of Labor.

(11) Each radiograph made under this Appendix must be permanently and legibly marked with the name and address of the facility at which it is made, the miner's DOL claim number, the date of the radiograph, and left and right side of the film. No other identifying markings may be recorded on the radiograph.

(d) *Chest radiograph specifications—digital radiography systems.*

(1) Every digital chest radiograph must be a single posteroanterior projection at full inspiration on a digital detector with sensor area being no less than 1505 square centimeters with a minimum width of 35 cm. The imaging plate must have a maximum pixel pitch of 200 μm, with a minimum bit depth of 10. Spatial resolution must be at least 2.5 line pairs per millimeter. The storage phosphor cassette or digital image detector must be positioned either vertically or horizontally so that the image includes the apices and costophrenic angles of both right and left lungs. If the detector cannot include the apices and costophrenic angles of both lungs as described, then the two side-by-side images can be obtained that together include the apices and costophrenic angles of both right and left lungs.

(2) Radiographs must be made with a diagnostic X-ray machine with a maximum actual (not nominal) source (focal spot) of 2 mm, as measured in two orthogonal directions.

(3) Radiographs must be made with units having generators which have a minimum rating of 300 mA at 125 kVp. Exposure kilovoltage must be at least the minimum as recommended by the manufacturer for chest radiography.

(4) An electric power supply must be used that complies with the voltage, current, and regulation specified by the manufacturer of the machine. If the manufacturer or installer of the radiographic equipment recommends equipment for control of electrical power fluctuations, such equipment must be used as recommended.

(5) Radiographs must be obtained only with equipment having a beam-limiting device that does not cause large unexposed boundaries. The beam limiting device must provide rectangular collimation. Electronic post-image acquisition ''shutters'' available on some CR or DR systems that limit the size of the final image and that simulate collimator limits must not be used. The use and effect of the beam limiting device must be discernible on the resulting image.

(6) Radiographic technique charts must be used that are developed specifically for the X-ray system and detector combinations used, indicating exposure parameters by anatomic measurements.

(7) To ensure high quality chest radiographs:

(i) The maximum exposure time must not exceed 50 milliseconds except for subjects with chests over 28 cm posteroanterior, for whom the exposure time must not exceed 100 milliseconds.

(ii) The distance from source or focal spot to detector must be at least 70 inches (or 180 centimeters if measured in centimeters).

(iii) The exposure setting for chest images must be within the range of 100–300 equivalent exposure speeds and must comply with ACR Practice Guidelines for Diagnostic Reference Levels in Medical X-ray Imaging, Section V—Diagnostic Reference Levels for Imaging with Ionizing Radiation and Section VII-Radiation Safety in Imaging (incorporated by reference, *see* § 718.5). Radiation exposures should be periodically measured and patient radiation doses estimated by the medical physicist to assure doses are as low as reasonably achievable.

(iv) Digital radiography system performance, including resolution, modulation transfer function (MTF), image signal-to-noise and detective quantum efficiency must be evaluated and judged acceptable by a qualified medical physicist using the specifications in AAPM Report No. 93, pages 1–68 (incorporated by reference, *see* § 718.5). Image management software and settings for routine chest imaging must be used, including routine amplification of digital detector signal as well as standard image post-processing functions. Image or edge enhancement software functions must not be employed unless they are integral to the digital radiography system (not elective); in such cases, only the minimum image enhancement permitted by the system may be employed.

(v)(A) The image object, transmission and associated data storage, film format, and transmissions of associated information must conform to the following components of the Digital Imaging and Communications in Medicine (DICOM) standard (incorporated by reference, *see* § 718.5):

(*1*) DICOM Standard PS 3.3–2011, Annex A—Composite Information Object Definitions, sections: Computed Radiographic Image Information Object Definition; Digital X-Ray Image Information Object Definition; X-Ray Radiation Dose SR Information Object Definition; and Grayscale Softcopy Presentation State Information Object Definition.

(*2*) DICOM Standard PS 3.4–2011: Annex B—Storage Service Class; Annex N—Softcopy Presentation State Storage SOP Classes; Annex O—Structured Reporting Storage SOP Classes.

(*3*) DICOM Standard PS 3.10–2011.

(*4*) DICOM Standard PS 3.11–2011.

(*5*) DICOM Standard PS 3.12–2011.

(*6*) DICOM Standard PS 13.14–2011.

(*7*) DICOM Standard PS 3.16–2011.

(B) Identification of each miner, chest image, facility, date and time of the examination must be encoded within the image information object, according to DICOM Standard PS 3.3–2011, Information Object Definitions, for the DICOM ''DX'' object. If data compression is performed, it must be lossless. Exposure parameters (kVp, mA, time, beam filtration, scatter reduction, radiation exposure) must be stored in the DX information object.

(C) Exposure parameters as defined in the DICOM Standard PS 3.16–2011 must additionally be provided when such parameters are available from the facility digital image acquisition system or recorded in a written report or electronic file and transmitted to OWCP.

(8) A specific test object may be required on each radiograph for an objective evaluation of image quality at the Department of Labor's discretion.

(9) CR imaging plates must be inspected at least once a month and cleaned when necessary by the method recommended by the manufacturer.

(10) A grid or air gap for reducing scattered radiation must be used; grids must not be used that cause Moiré interference patterns in either horizontal or vertical images.

(11) The geometry of the radiographic system must ensure that the central axis (ray) of the primary beam is perpendicular to the plane of the CR imaging plate or DR detector and is correctly aligned to the grid.

(12) Radiographs must not be made when the environmental temperatures and humidity in the facility are outside the manufacturer's recommended range of the CR and DR equipment to be used.

(13) All interpreters, whenever classifying digitally acquired chest radiographs, must have immediately available for reference a complete set of ILO standard digital chest radiographic images provided for use with the Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses (2011 Revision) (incorporated by reference, *see* § 718.5). Modification of the appearance of the standard images using software tools is not permitted.

(14) Viewing systems should enable readers to display the coal miner's chest image at the full resolution of the image acquisition system, side-by-side with the selected ILO standard images for comparison.

(i)(A) Image display devices must be flat panel monitors displaying at least 3 MP at 10 bit depth. Image displays and associated graphics cards must meet the calibration and other specifications of the Digital Imaging and Communications in Medicine (DICOM) standard PS 3.14–2011 (incorporated by reference, *see* § 718.5).

(B) Image displays and associated graphics cards must not deviate by more than 10 percent from the grayscale standard display function (GSDF) when assessed according to the AAPM On-Line Report No. 03, pages 1–146 (incorporated by reference, *see* § 718.5).

(ii) Display system luminance (maximum and ratio), relative noise, linearity, modulation transfer function (MTF), frequency, and glare should meet or exceed recommendations listed in AAPM On-Line Report No. 03, pages 1–146 (incorporated by reference, *see* § 718.5). Viewing displays must have a maximum luminance of at least 171 cd/m^2, a ratio of maximum luminance to minimum luminance of at least 250, and a glare ratio greater than 400. The contribution of ambient light reflected from the display surface, after light sources have been minimized, must be included in luminance measurements.

(iii) Displays must be situated so as to minimize front surface glare. Readers must minimize reflected light from ambient sources during the performance of classifications.

(iv) Measurements of the width and length of pleural shadows and the diameter of opacities must be taken using calibrated software measuring tools. If permitted by the viewing software, a record must be made of the presentation state(s), including any noise reduction and edge enhancement or restoration functions that were used in performing the classification, including any annotations and measurements.

(15) Quality control procedures for devices used to display chest images for classification must comply with the recommendations of the American Association of Physicists in Medicine AAPM On-Line Report No. 03, pages 1–146 (incorporated by reference, *see* § 718.5). If automatic quality assurance systems are used, visual inspection must be performed using one or more test patterns recommended by the medical physicist every 6 months, or more frequently, to check for defects that automatic systems may not detect.

(16) Classification of CR and DR digitally-acquired chest radiographs under this Part must be performed based on the viewing images displayed as soft copies using the viewing workstations specified in this section. Classification of radiographs must not be based on the viewing of hard copy printed transparencies of images that were digitally-acquired.

(17) The classification of chest radiographs based on digitized copies of chest radiographs that were originally acquired using film-screen techniques is not permissible.

PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED

■ 8. The authority citation for part 725 is revised to read as follows:

Authority: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174; 30 U.S.C. 901 *et seq.,* 902(f), 921, 932, 936; 33 U.S.C. 901 *et seq.;* 42 U.S.C. 405; Secretary's Order 10–2009, 74 FR 58834.

■ 9. In § 725.406, revise paragraphs (a), (b), (c) and (e) to read as follows:

§ 725.406 Medical examinations and tests.

(a) The Act requires the Department to provide each miner who applies for benefits with the opportunity to undergo a complete pulmonary evaluation at no expense to the miner. A complete pulmonary evaluation includes a report of physical examination, a pulmonary function study, a chest radiograph, and, unless medically contraindicated, a blood gas study.

(b) As soon as possible after a miner files an application for benefits, the district director will provide the miner with a list of medical facilities and physicians in the state of the miner's residence and states contiguous to the state of the miner's residence that the Office has authorized to perform complete pulmonary evaluations. The miner must select one of the facilities or physicians on the list, provided that the miner may not select any physician to whom the miner or the miner's spouse is related to the fourth degree of consanguinity, and the miner may not select any physician who has examined or provided medical treatment to the miner within the twelve months preceding the date of the miner's application. The district director will make arrangements for the miner to be given a complete pulmonary evaluation by that facility or physician. The results of the complete pulmonary evaluation must not be counted as evidence submitted by the miner under § 725.414.

(c) If any medical examination or test conducted under paragraph (a) of this section is not administered or reported in substantial compliance with the provisions of part 718 of this subchapter, or does not provide sufficient information to allow the district director to decide whether the miner is eligible for benefits, the district director must schedule the miner for further examination and testing. Where the deficiencies in the report are the result of a lack of effort on the part of the miner, the miner will be afforded one additional opportunity to produce a satisfactory result. In order to determine whether any medical examination or test was administered and reported in substantial compliance with the provisions of part 718 of this subchapter, the district director may have any component of such examination or test reviewed by a physician selected by the district director.

* * * * *

(e) The cost of any medical examination or test authorized under this section, including the cost of travel to and from the examination, must be paid by the fund. Reimbursement for overnight accommodations must not be authorized unless the district director determines that an adequate testing facility is unavailable within one day's round trip travel by automobile from the miner's residence. The fund must be reimbursed for such payments by an operator, if any, found liable for the payment of benefits to the claimant. If an operator fails to repay such expenses, with interest, upon request of the Office, the entire amount may be collected in an action brought under section 424 of the Act and § 725.603.

Gary A. Steinberg,

Acting Director, Office of Workers' Compensation Programs.

[FR Doc. 2014–08636 Filed 4–16–14; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice 8698]

RIN 1400–AD49

Amendment to the International Traffic in Arms Regulations: Changes to Authorized Officials and the UK Defense Trade Treaty Exemption; Correction of Errors in Lebanon Policy and Violations; and Adoption of Recent Amendments as Final; Correction

AGENCY: Department of State.

ACTION: Final rule, correcting amendment.

SUMMARY: The Department of State is correcting the inadvertent omission of regulatory text in a recent final rule.

DATES: This rule is effective April 17, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. C. Edward Peartree, Director, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 663–2792, or email *DDTCResponseTeam@state.gov.* ATTN: Correction to 126.17.

SUPPLEMENTARY INFORMATION: On February 11, 2014, the Department amended the International Traffic in Arms Regulations (ITAR) to, among other things, update the text of the licensing exemption created pursuant to the Treaty Between the Government of the United States of America and the Government of the United Kingdom Concerning Defense Trade Cooperation, at ITAR § 126.17, so that it is a clearer representation of treaty requirements and is also consistent with ITAR § 126.16 (the Australia defense trade treaty exemption) (79 FR 8082). As a result of an error in amendatory instruction, ITAR § 126.17(o)(2)(i) through (iv) were removed. This amendment restores those paragraphs. The Department's regulatory analyses with respect to this rule were published at 79 FR 8082, and are hereby incorporated by reference.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

Accordingly, for the reason set forth above, Title 22, Chapter I, Subchapter M, part 126 is corrected by making the following correcting amendment:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108–375; Sec. 7089, Pub. L. 111–117; Pub. L. 111–266; Sections 7045 and 7046, Pub. L. 112–74; E.O. 13637, 78 FR 16129.

■ 2. Section 126.17 is amended by adding paragraphs (o)(2)(i) through (iv), to read as follows:

§ 126.17 Exemption pursuant to the Defense Trade Cooperation Treaty between the United States and the United Kingdom.

* * * * *

(o) * * *

(2) * * *

(i) The information identified in § 130.10 and § 130.11 of this subchapter;

(ii) A statement regarding whether any offset agreement is final to be entered into in connection with the export and a description of any such offset agreement;

(iii) A copy of the signed contract; and

(iv) If the notification is for paragraph (o)(1)(ii) of this section, a statement of what will happen to the weapons in their inventory (for example, whether the current inventory will be sold, reassigned to another service branch, destroyed, etc.).

* * * * *

Rose E. Gottemoeller,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 2014–08779 Filed 4–16–14; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice: 8699]

RIN 1400–AD56

Amendment to the International Traffic in Arms Regulations: Central African Republic

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to provide the defense trade policy regarding the Central African Republic to reflect certain resolutions adopted by the United Nations Security Council.

DATES: This rule is effective April 17, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. C. Edward Peartree, Director, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 663–2792, or email *DDTCResponseTeam@state.gov.* ATTN: Regulatory Change, Central African Republic.

SUPPLEMENTARY INFORMATION: On December 5, 2013, the United Nations Security Council (UNSC) adopted resolution 2127, which imposes an arms embargo against the Central African Republic, with certain enumerated exceptions. On January 28, 2014, the UNSC adopted resolution 2134, which extended the embargo, and added the European Union operation to the list of exceptions to the embargo. The Department of State is adding ITAR § 126.1(u) to implement the embargo.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act. Since the Department is of the opinion that this rule is exempt from 5 U.S.C. 553, it is the view of the Department that the provisions of § 553(d) do not apply to this rulemaking. Therefore, this rule is effective upon publication. The Department also finds that, given the national security issues surrounding U.S. policy towards the Central African Republic, notice and public procedure on this rule would be impracticable; for this reason also, this rule is effective upon publication.

Regulatory Flexibility Act

Since the Department is of the opinion that this rule is exempt from the provisions of 5 U.S.C. 553, there is no requirement for an analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

The Department does not believe this rulemaking is a major rule within the definition of 5 U.S.C. 804.

Executive Orders 12372 and 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the Department has determined that this rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess 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, distributed impacts, and equity). These executive orders stress the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, this rule has been reviewed by the Office of Management and Budget (OMB).

Executive Order 12988

The Department of State reviewed this rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

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

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

For the reasons set forth above, Title 22, Chapter I, Subchapter M, part 126 is amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108–375; Sec. 7089, Pub. L. 111–117; Pub. L. 111–266; Sections 7045 and 7046, Pub. L. 112–74; E.O. 13637, 78 FR 16129.

■ 2. Section 126.1(u) is added to read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

* * * * *

(u) *Central African Republic.* It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for or originating in the Central African Republic, except that a license or other approval may be issued, on a case-by-case basis, for:

(1) Defense articles intended solely for the support of or use by the International Support Mission to the Central African Republic (MISCA); the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) and its guard unit, the African Union Regional Task Force (AU–RTF); and the French forces and European Union operation deployed in the Central African Republic;

(2) Non-lethal military equipment, and related technical assistance and training, when intended solely for humanitarian and protective use, as approved in advance by the Committee of the Security Council concerning the Central African Republic;

(3) Personal protective gear temporarily exported to the Central African Republic by United Nations personnel, representatives of the media, and humanitarian and developmental workers and associated personnel, for their personal use only;

(4) Small arms and related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory and arms, and other activities contrary to the laws of the Central African Republic or its international legal obligations;

(5) Arms and related lethal military equipment for Central African Republic security forces, intended solely for support of or use in security sector reform, as approved in advance by the Committee of the Security Council concerning the Central African Republic; or

(6) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee of the Security Council concerning the Central African Republic.

* * * * *

Rose E. Gottemoeller,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 2014–08781 Filed 4–16–14; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Returns of Information of Brokers and Barter Exchanges; Furnishing Statement Required With Respect to Certain Substitute Payments

CFR Correction

In Title 26 of the Code of Federal Regulations, Part 1 (§ 1.151 to end of part 1), revised as of April 1, 2013, on page 258, § 1.6045–1T is removed, and on page 263, § 1.6045–2T is removed.

[FR Doc. 2014–08935 Filed 4–16–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

30 CFR parts 585 and 590

[Docket ID: BOEM–2012–0077]

RIN 1010–AD77

MMAA104000; Timing Requirements for the Submission of a Site Assessment Plan (SAP) or General Activities Plan (GAP) for a Renewable Energy Project on the Outer Continental Shelf (OCS)

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Final rule.

SUMMARY: This rule amends the timing requirements for submitting a SAP or GAP. Under the rule, all OCS renewable energy leases and grants will have a preliminary term of 12 months in which a lessee or grantee must submit a SAP or a GAP. BOEM is taking this action because the current regulations provide timing requirements for submission of

SAPs and GAPs that have proven to be impractical. In addition, this rule amends various other regulatory provisions, such as those pertaining to a lessee's first rent payment.

DATES: This final rule is effective May 19, 2014.

FOR FURTHER INFORMATION CONTACT: Jennifer Golladay, BOEM Office of Renewable Energy, at *Jennifer.Golladay@boem.gov* or 703–787–1688.

SUPPLEMENTARY INFORMATION: This rule increases efficiency and reduces the burden of regulations, since it extends the timeframes for lessees and operators to submit plans and makes it possible for a Right of Use and Easement (RUE) to be issued while a GAP is still pending. BOEM published a proposed rule soliciting comments in the **Federal Register** on February 25, 2013 (78 FR 12676).

Executive Summary

Current BOEM regulations require a lessee to submit a SAP or a GAP, and a grantee to submit a GAP, within six months of lease or grant issuance in cases where the lease or grant is issued following completion of a competitive bidding process. In cases where a lease or grant is issued on a noncompetitive basis, the regulations require the requestor to submit a SAP or GAP within 60 days after BOEM makes and publishes a ''Determination of No Competitive Interest.'' In communications with prospective OCS renewable energy lessees and grantees that took place after the current regulations were issued, BOEM learned that these timeframes—especially the 60-day requirement—are too short, and that most developers intend to request departures from the regulatory requirements pertaining to the timing of SAP and GAP submissions. In part, this is because site characterization activities necessary to support the submission of a SAP or GAP are significantly affected and controlled by seasonal weather conditions. This rule addresses the difficulties associated with the current timing requirements by lengthening the timeframe for submission of SAPs and GAPs to 12 months following lease/grant issuance for both competitively-issued and noncompetitively-issued leases and grants.

This rule makes various administrative corrections and clarifications to BOEM's renewable energy regulations.

Summary of Changes

30 CFR Part 585

This rule amends the timing requirements for submitting a SAP or GAP pursuant to the regulations governing renewable energy and alternate uses of existing facilities on the OCS in 30 CFR part 585. Under the rule, all OCS renewable energy leases and grants would have a preliminary term of 12 months in which the lessee or grantee must submit a SAP or a GAP. BOEM is proposing these changes because the current regulations specify timing requirements for submission of SAPs and GAPs that have proven to be impractical. This rule addresses the difficulties associated with the current timing requirements by lengthening the timeframe for submission of SAPs and GAPs to 12 months following lease/grant issuance in all cases for both competitively-issued and noncompetitively-issued leases and grants.

Changes Made Between Proposed and Final Rule

In the proposed rule, BOEM proposed to add definitions of the terms ''CZMA State'' and ''State CZMA Agency'' to the regulations. This was intended to enable BOEM to clarify which regulatory provisions apply to states with rights and responsibilities under the Coastal Zone Management Act, as opposed to the states that fall under the general definition of ''Affected State'' under the Outer Continental Shelf Lands Act (OCSLA). However, the definition of ''Affected State'' in BOEM's renewable energy regulations is different from the definition in OCSLA, and ''Affected State'' is not used in the regulations describing the CZMA compliance process (e.g., 30 CFR 585.612, 628, and 647). After receiving comments and considering the potential changes further, BOEM decided against adding the new definitions, since the proposed additions would likely have caused confusion and redundancy rather than clarity. The current regulations at 30 CFR part 585 include a definition of ''affected state'' that fully addresses the needs of BOEM's renewable energy program. Therefore, BOEM will continue to use the term ''affected state'' in the following sections: 30 CFR 585.102, 585.112, 585.203, 585.211, 585.231, 585.238, 585.306, and 585.902 to implement this decision.

In addition to the changes to the proposed rule which are discussed in the section ''Response to Comments Matrix and Other Preamble Text,'' the following clarifying edits and/or technical corrections have been made to the current regulations:

- 30 CFR 585.112—BOEM made minor changes that expand the definition of ''you and your'' to include designated agents of all entities listed, and corrected a minor grammatical error in this definition.
- 30 CFR 585.203—BOEM made a small grammatical edit to the last sentence.
- 30 CFR 585.211—BOEM made a small grammatical edit and a small wording change to the first sentence in (c).
- 30 CFR 585.224—BOEM edited this provision to ensure consistency with 30 CFR 585.503 regarding a lessee's first rent payment, and made a small grammatical edit.
- 30 CFR 585.231—BOEM made small changes and some grammatical edits in (d), (e), and (f), and changed the number of months of rent owed in (g)(2).
- 30 CFR 585.235—BOEM made small wording changes in (a)(1), (a)(3), and (a)(4), clarified the language about the start of the operations term in the event a SAP/Construction and Operations Plan (COP) is submitted in (a)(3), and moved text from the second to third column in (a)(4).
- 30 CFR 585.236—BOEM reformatted the table slightly.
- 30 CFR 585.303—BOEM edited (a) to make a small grammatical change and mirror the title of the provision in the regulatory text, and added clarifying language in (b).
- 30 CFR 585.500, 503, and 505—BOEM coordinated with the Department of the Interior's Office of Natural Resources Revenue (ONRR) and determined that certain citations to the ONRR regulations in the proposed rule were incorrect. Accordingly, sections 500(a) & (b), 503 (a)(1) and 505(b) were revised. In addition, edits were made to ensure consistency with requirements in other regulatory provisions and to effectively communicate to lessees how to make first-year rent payments. BOEM also made a small grammatical edit in 30 CFR 585.500.
- 30 CFR 585.611—BOEM edited this provision to align the language with BOEM's standard for determining if previous environmental analyses adequately cover the proposed activities for environmental review purposes by, for example, replacing ''substantially inconsistent'' with ''significantly different.'' Additionally, BOEM made small grammatical edits and eliminated the passive voice.
- 30 CFR 585.612—In this section, and in all other sections where the term ''State CZM agency'' was used, BOEM replaced this term with a new reference

to ''applicable State CZMA agency or agencies,'' consistent with the approach used in new text included in 30 CFR 585.306 and 231. BOEM also changed the wording in the first row of the table.

• 30 CFR 585.627—BOEM edited (a) to eliminate the references to competitive and noncompetitive leasing and make small grammatical changes, and corrected statutory and regulatory references in (b).

• 30 CFR 585.628—BOEM edited (c) to: (1) Provide consistent terminology (''applicable State CZMA agency or agencies'') and, (2) clarify that the developer is responsible for providing this set of information to the applicable State CZMA agency or agencies in the event that the COP is submitted to BOEM prior to lease issuance, pursuant to 15 CFR part 930, subpart D.

• 30 CFR 585.646—BOEM made small changes to (a) of this provision to ensure that the text mirrors the language in 30 CFR 585.611 and to eliminate the passive voice. BOEM edited (b) to align the language with BOEM's standard for determining if previous environmental analyses adequately cover the proposed activities for environmental review purposes by, for example, replacing ''substantially inconsistent'' with ''significantly different,'' to remove an unnecessary reference to CZMA, to make small grammatical changes, and to eliminate the passive voice.

• 30 CFR 585.647—BOEM changed some of the wording to align with the new text included in 30 CFR 585.306 and 231, (''applicable State CZMA agency or agencies''), to fix an incorrect regulatory citation, and to change the wording in the first row of the table.

Finally, BOEM made certain other changes to the regulatory text included in the proposed rule based on comments received, as described below in the Response to Comments Matrix.

Legal Authority

The authority for this rulemaking is the broad rulemaking provision of the OCSLA, as set forth in 43 U.S.C. 1334(a), that authorizes the Secretary of the Interior to prescribe and amend such rules and regulations as may be necessary to administer a leasing program, or necessary and proper in order to provide for the prevention of waste and conservation of natural resources of the OCS.

Section 8(p)(8) of OCSLA (43 U.S.C. 1337(p)(8)) provides authority for the portion of this rulemaking dealing with the production, transportation, or transmission of energy from sources other than oil and gas, and alternate uses of the OCS, which authorizes the Secretary to issue any necessary regulations to carry out subsection 8(p) of OCSLA.

Response to Comments Matrix and Other Preamble Text

BOEM published a proposed rule entitled, ''Timing Requirements for the Submission of a Site Assessment Plan (SAP) or a General Activities Plan (GAP) for a Renewable Energy Project on the Outer Continental Shelf (OCS)'' in the **Federal Register** on February 25, 2013, with a 30-day request for comments period.

BOEM received nine comment letters from interested stakeholders, and carefully considered them prior to finalizing the rulemaking. Generally, commenters were supportive of extending the timing requirements for developers to submit SAPs and GAPs. Some comments suggested edits to the text of the rulemaking, requested clarifications as to the applicability of the rulemaking, and/or raised questions about the necessity of the rulemaking. Responses to those comments are contained in the table below.

Comment received	BOEM response
BOEM should revise the definition of the term ''CZMA State'' by cross referencing the National Oceanic and Atmospheric Administration's Office of Ocean and Coastal Resource Management's Federal consistency rules.	BOEM has decided against adding the new term ''CZMA State'' in this rulemaking.
BOEM should not require that a developer submitting an unsolicited request for a lease or grant include in the request a consistency certification and associated necessary data and information pursuant to CZMA regulations at 15 CFR part 930 subpart D.	BOEM has made this requested change and accordingly will not add this requirement to 30 CFR 585.230 or 585.305. These developers are now required to submit a consistency certification and the associated necessary data and information under CZMA only after BOEM has determined that there is no competitive interest in the proposed project.
The proposed rule should address cable-related easements early at the lease sale or SAP or GAP stage, rather than later as part of a COP.	BOEM did not make this requested change. The agency believes that it would be premature to consider and analyze cable locations until commercial wind lessees have conducted necessary surveys and lessees are able to consider the layout of their commercial projects when making siting decisions about transmission cables.
BOEM should edit 30 CFR 585.102 to bring it into conformity with 30 CFR 585.203, such that the first sentence of 30 CFR 585.102(e) uses ''and'' instead of ''or.''	BOEM made this requested change.
The new proposed 30 CFR 585.612(b) should refer to 15 CFR part 930 instead of 15 CFR part 93.	BOEM made this requested change.
To avoid confusion, BOEM should clarify that BOEM regulations (*see* 30 CFR 585.231 and 585.306) regarding the applicable CZMA consistency review process do not apply to pending lease applications for which BOEM has issued a determination of no competitive interest prior to this rule's effective date.	BOEM will address any such confusion with the appropriate parties on a project-by-project basis.
Please provide more detail on the number of SAPs and GAPs that have been filed, the bureau's use of this information, the actions taken against any companies that have filed plans late, and any requests to change these filing deadlines.	At the time that this proposed rulemaking was published, BOEM had only received one such plan. However, after receiving (1) informal feedback on these timing requirements from industry and (2) requests to depart from these timing requirements pursuant to 30 CFR 585.103, BOEM came to the conclusion that the existing timing requirements were impractical. The comments received in response to the proposed rulemaking were generally supportive of extending the required timelines for plan submission.

Procedural Matters

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. BOEM has developed this rule in a manner consistent with these requirements.

This rule is not a significant rule as determined by the Office of Management and Budget (OMB) and is not subject to review under E.O. 12866. For the most part, this rule makes administrative corrections and clarifications to the existing regulations. Other changes consist of the reorganization of selected renewable energy regulations.

Because this rule makes only minor alterations and changes to requirements for leasing, compliance, or enforcement from those set forth in existing regulations, no costs are estimated for this rulemaking.

(1) This rule will not have an annual effect of $100 million or more on the economy. It would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule will not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule will not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rulemaking will affect large and small entities through the clarification of the existing regulatory requirements under the reorganized regulations of part 585.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the actions of BOEM, call 1–888–734–3247. You may comment to the Small Business Administration without fear of retaliation. Allegations of discrimination/retaliation filed with the Small Business Administration will be investigated for appropriate action.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*). This rule:

(a) Will not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions.

(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. The requirements apply to all entities operating to develop renewable resources on the OCS.

Unfunded Mandates Reform Act of 1995

This rule does not impose an unfunded mandate on state, local, or tribal governments, or the private sector, of more than $100 million per year. This 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 (2 U.S.C. 1501 *et seq.*) is not required.

Takings Implication Assessment (E.O. 12630)

Under the criteria in E.O. 12630, this rule will not have significant takings implications. This rule will not be a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment is not required.

Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this rule will not have federalism implications. This rule will not substantially affect the relationship between the Federal and state governments. To the extent that state and local governments have a role in OCS activities, this rule will not affect that role. A Federalism Assessment is not required.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175)

Under the criteria in E.O. 13175, BOEM has evaluated this rule and determined that it will have no substantial effects on federally recognized Indian tribes.

Paperwork Reduction Act (PRA) of 1995

This rule does not contain new information collection requirements, and a submission under the PRA is not required. Therefore, an information collection request is not being submitted to the Office of Management and Budget (OMB) for review and approval under 44 U.S.C. 3501 *et seq.* The rule refers to, but does not change, the information collection requirements in 30 CFR 585. The OMB has approved the referenced information collection under OMB Control Number 1010–0176 (30,902 hours and $3,816,000 non-hour cost burden).

National Environmental Policy Act of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. BOEM evaluated this rule under the criteria of the National Environmental Policy Act, 43 CFR Part 46 and 516 Departmental Manual 15. The issuance of this rule is categorically excluded from NEPA review because it meets the criteria set forth in 43 CFR 46.210(i) in that this rule is ''. . . of an

administrative, financial, legal, technical, or procedural nature . . .'' Furthermore, we have evaluated this rule to determine if it involves any of the extraordinary circumstances that would require an environmental assessment or an environmental impact statement as set forth in 43 CFR 46.215. We concluded that this rule does not meet any of the criteria for extraordinary circumstances as set forth in 516 Departmental Manual 2 (Appendix 2).

Data Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, app. C sec. 515, 114 Stat. 2763, 2763A–153–154).

Effects of the Nation's Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

Clarity of This Regulation

We are required by E.O. 12866, E.O. 12988, and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever such lists or tables would be helpful.

If you feel that we have not met these requirements, send your comments to Mr. Loren Thompson, Regulatory Liaison Officer, Office of Policy, Regulations and Analysis, Bureau of Ocean Energy Management, U.S. Department of the Interior, 1849 C St. NW., Washington, DC 20240 or to *Loren.Thompson@boem.gov.*

List of Subjects

30 CFR Part 585

Assessment plans, Coastal zone, Continental shelf, Electric power, Energy, Environmental impact statements, Environmental protection, Incorporation by reference, Offshore energy, Marine resources, Natural resources, Planning, Public lands, Public lands—rights-of-way, Renewable energy, Reporting and recordkeeping requirements, Revenue sharing, Solar energy, Wind energy.

30 CFR Part 590

Administrative practice and procedure, Appeals, Payments.

Dated: April 7, 2014.

Tommy P. Beaudreau,

Principal Deputy Assistant Secretary, Land and Minerals Management.

For the reason stated in the preamble, the Bureau of Ocean Energy Management amends 30 CFR chapter V as follows:

PART 585—RENEWABLE ENERGY AND ALTERNATE USES OF EXISTING FACILITIES ON THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 585 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*; 43 U.S.C. 1337.

■ 2. Amend § 585.102 by revising paragraph (e) to read as follows:

§ 585.102 What are BOEM's responsibilities under this part?

* * * * *

(e) BOEM will provide for coordination and consultation with the Governor of any State, the executive of any local government, and the executive of any Indian Tribe that may be affected by a lease, easement, or ROW under this subsection. BOEM may invite any affected State Governor, representative of an affected Indian Tribe, and affected local government executive to join in establishing a task force or other joint planning or coordination agreement in carrying out our responsibilities under this part.

■ 3. Amend § 585.112 by revising the definition of ''*You* and *your*'' to read as follows:

§ 585.112 Definitions.

* * * * *

You and *your* means an applicant, lessee, the operator, or designated operator, ROW grant holder, RUE grant holder, or Alternate Use RUE grant holder under this part, or the designated agent of any of these, or the possessive of each, depending on the context. The terms *You* and *your* also include contractors and subcontractors of the entities specified in the preceding sentence.

* * * * *

■ 4. Revise § 585.203 to read as follows:

§ 585.203 With whom will BOEM consult before issuance of a lease?

For leases issued under this part, through either the competitive or noncompetitive process, BOEM, prior to issuing the lease, will coordinate and consult with relevant Federal agencies (including, in particular, those agencies involved in planning activities that are undertaken to avoid or minimize conflicts among users and maximize the economic and ecological benefits of the OCS, including multifaceted spatial planning efforts), the Governor of any affected State, the executive of any affected local government, and any affected Indian Tribe, as directed by subsections 8(p)(4) and (7) of the OCS Lands Act or other relevant Federal laws. Federal statutes that require BOEM to consult with interested parties or Federal agencies or to respond to findings of those agencies, including the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). BOEM also engages in consultation with state and tribal historic preservation officers pursuant to the National Historic Preservation Act (NHPA).

■ 5. Amend § 585.211 by revising paragraph (c) to read as follows:

§ 585.211 What is the process for the competitive issuance of leases?

* * * * *

(c) *Proposed Sale Notice.* BOEM will publish the Proposed Sale Notice in the **Federal Register** and send it to the Governor of any affected State, any Indian Tribe that might be affected, and the executive of any local government that might be affected. The comment period following issuance of a Proposed Sale Notice will be 60 days.

* * * * *

■ 6. Amend § 585.212 by revising paragraph (a) to read as follows:

§ 585.212 What is the process BOEM will follow if there is reason to believe that competitors have withdrawn before the Final Sale Notice is issued?

* * * * *

(a) If, after reviewing comments in response to the notice of Request for Interest, BOEM determines that there is no competitive interest in the lease area, and one party wishes to acquire a lease, we will discontinue the competitive process and will proceed with the noncompetitive process set forth in § 585.231(d) through (i) following receipt of the acquisition fee specified in § 585.502(a).

* * * * *

■ 7. Amend § 585.224 by revising paragraph (b) to read as follows:

§ 585.224 What happens if BOEM accepts my bid?

* * * * *

(b) Within 45 days after you receive the lease copies, you must pay the first

12-months' rent as required in § 585.503.

* * * * *

■ 8. Amend § 585.231 by revising paragraphs (d), (e), (f), and (g)(2) to read as follows:

§ 585.231 How will BOEM process my unsolicited request for a noncompetitive lease?

* * * * *

(d) If BOEM determines that there is no competitive interest in a lease, we will publish in the **Federal Register** a notice of Determination of No Competitive Interest. After BOEM publishes this notice, you will be responsible for submitting any required consistency certification and necessary data and information pursuant to 15 CFR part 930, subpart D to the applicable State CZMA agency or agencies and BOEM.

(e) BOEM will coordinate and consult with affected Federal agencies, State, and local governments, and affected Indian tribes in the review of noncompetitive lease requests.

(f) After completing the review of your lease request, BOEM may offer you a noncompetitive lease.

(g) * * *

(2) Within 45 days after you receive the lease copies, you must pay the first 12-months' rent, as required in § 585.503.

* * * * *

■ 9. Amend § 585.235 by revising paragraph (a) to read as follows:

§ 585.235 If I have a commercial lease, how long will my lease remain in effect?

(a) For commercial leases, the lease terms and applicable automatic extensions are as shown in the following table:

Lease term	Automatic extensions	Requirements
(1) Each commercial lease will have a preliminary term of 12 months, within which the lessee must submit: (i) a SAP; or (ii) a combined SAP and Construction and Operations Plan (COP). The preliminary term begins on the effective date of the lease.	If BOEM receives a SAP that satisfies the requirements of §§ 585.605 through 585.613 or a SAP/COP that satisfies the requirements of §§ 585.605 through 585.613 and §§ 585.620 through 585.629, the preliminary term will be extended for the time necessary for us to conduct technical and environmental reviews of the SAP or SAP/COP.	The SAP must meet the requirements of §§ 585.605 through 585.613. The SAP/COP must meet the requirements of §§ 585.605 through 585.613 and §§ 585.620 through 585.629.
(2) A commercial lease will have a site assessment term of five years to conduct site assessment activities and to submit a COP, if a SAP/COP has not been submitted. Your site assessment term begins when BOEM approves your SAP or SAP/COP.	If we receive a COP that satisfies the requirements of §§ 585.620 through 585.629, the site assessment term will be automatically extended for the period of time necessary for us to conduct technical and environmental reviews of the COP.	The COP must meet the requirements of §§ 585.620 through 585.629 of this part.
(3) A commercial lease will have an operations term of 25 years, unless a longer term is negotiated by the parties. A request for lease renewal must be submitted two years before the end of the operations term. If you submit a COP, your operations term begins on the date that BOEM approves the COP. If you submit a SAP/COP, your operations term begins on the earliest of the following dates: five years after BOEM approves the SAP/COP; when fabrication begins; or, when installation commences.	.....	The lease renewal request must meet the requirements in §§ 585.425 through 585.429.
(4) A commercial lease may have additional time added to the operations term through a lease renewal. The term of the lease renewal will not exceed the original term of the lease, unless a longer term is negotiated by the parties. The lease renewal term begins upon expiration of the original operations term.	.....	NOTE: BOEM may also order or grant a suspension of the operations term, as provided in §§ 585.415 through 585.421 thereby effectively extending the term of the lease.

* * * * *

■ 10. Amend § 585.236 by revising paragraph (a) to read as follows:

§ 585.236 If I have a limited lease, how long will my lease remain in effect?

(a) For limited leases, the lease terms are as shown in the following table:

Lease term	Extension or suspension	Requirements
(1) Each limited lease has a preliminary term of 12 months to submit a GAP. The preliminary term begins on the effective date of the lease.	If we receive a GAP that satisfies the requirements of §§ 585.640 through 585.648 of this part, the preliminary term will be automatically extended for the period of time necessary for us to conduct a technical and environmental review of the plans.	The GAP must meet the requirements of §§ 585.640 through 585.648.

Lease term	Extension or suspension	Requirements
(2) Each limited lease has an operations term of five years for conducting site assessment, technology testing, or other activities. The operations term begins on the date that we approve your GAP.	We may order or grant a suspension of the operations term as provided in §§ 585.415 through 585.421.	

* * * * *

■ 11. Revise § 585.303 to read as follows:

§ 585.303 How long will my ROW grant or RUE grant remain in effect?

(a) Each ROW or RUE grant will have a preliminary term of 12 months from the date of issuance of the ROW or RUE grant within which to submit a GAP. The preliminary term begins on the effective date of the grant. You must submit a GAP no later than the end of the preliminary term for your grant to remain in effect. However, you may submit a GAP prior to the issuance of your ROW or RUE grant.

(b) Except as described in paragraph (a) of this section, your ROW grant or RUE grant will remain in effect for as long as the associated activities are properly maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant.

■ 12. Amend § 585.306 by revising paragraph (b) and by removing paragraph (c).

The revision reads as follows:

§ 585.306 What action will BOEM take on my request?

* * * * *

(b) If BOEM determines that there is no competitive interest in a ROW grant or RUE grant, we will publish a notice in the **Federal Register** of such determination. After BOEM publishes this notice, you will be responsible for submitting any required consistency certification and necessary data and information pursuant to 15 CFR part 930, subpart D to the applicable State CZMA agency or agencies and BOEM. We will establish terms and conditions for the grant in consultation with you.

■ 13. Amend § 585.309 by revising the introductory text to read as follows:

§ 585.309 When will BOEM issue a noncompetitive ROW grant or RUE grant?

After completing the review of your grant request, BOEM may offer you a noncompetitive grant.

* * * * *

■ 14. Amend § 585.500 by revising paragraphs (a) and (b) to read as follows:

§ 585.500 How do I make payments under this part?

(a) For acquisition fees or the initial 12-months' rent paid for the preliminary term of your lease, you must make your electronic payments through the *Fees for Services* page on the BOEM Web site at *http://www.boem.gov,* and you must include one copy of the *Pay.gov* confirmation receipt page with your unsolicited request.

(b) For all other required rent payments and for operating fee payments, you must make your payments as required in 30 CFR 1218.51.

* * * * *

■ 15. Amend § 585.503 by revising paragraph (a)(1) to read as follows:

§ 585.503 What are the rent and operating fee requirements for a commercial lease?

(a) * * *

(1) You must pay ONRR the initial 12-months' rent 45 days after you receive the lease copies from BOEM in accordance with the requirements provided in § 585.500(a).

* * * * *

■ 16. Amend § 585.505 by revising paragraph (b) to read as follows:

§ 585.505 What are the rent and operating fee requirements for a limited lease?

* * * * *

(b) You must pay ONRR the initial 12-months' rent 45 days after you receive the lease copies from BOEM in accordance with the requirements provided in § 585.500(a).

* * * * *

■ 17. Amend § 585.601 by:

■ a. Revising the introductory text and paragraph (a);

■ b. Removing paragraph (b);

■ c. Re-designating paragraphs (c) and (d) as paragraphs (b) and (c).

The revisions read as follows:

§ 585.601 When am I required to submit my plans to BOEM?

You must submit your plans as follows:

(a) You may submit your SAP or GAP prior to lease or grant issuance, but must submit your SAP or your GAP no later than 12 months from the date of lease or grant issuance.

* * * * *

■ 18. Revise § 585.611 to read as follows:

§ 585.611 What information and certifications must I submit with my SAP to assist BOEM in complying with NEPA and other relevant laws?

You must submit, with your SAP, detailed information to assist BOEM in complying with NEPA and other relevant laws as appropriate.

(a) A SAP submitted for an area in which BOEM has not previously reviewed site assessment activities under NEPA or other applicable Federal laws, must describe those resources, conditions, and activities listed in the following table that could be affected by your proposed activities or that could affect the activities proposed in your SAP.

(b) For a SAP submitted for an area in which BOEM has previously considered site assessment activities under applicable Federal law (*e.g.,* a NEPA analysis and CZMA consistency determination for site assessment activities), BOEM will review the SAP to determine if its impacts are consistent with those previously considered. If the anticipated effects of your proposed SAP activities are significantly different than those previously anticipated, we may determine that additional NEPA and other relevant Federal reviews are required. In that case, BOEM will notify you of such determination, and you must submit a SAP that describes those resources, conditions, and activities listed in the following table that could be affected by your proposed activities or that could affect the activities proposed in your SAP, including:

Type of information:	Including:
(1) Hazard information	Meteorology, oceanography, sediment transport, geology, and shallow geological or manmade hazards.
(2) Water quality	Turbidity and total suspended solids from construction.

Type of information:	Including:
(3) Biological resources	Benthic communities, marine mammals, sea turtles, coastal and marine birds, fish and shellfish, plankton, sea grasses, and other plant life.
(4) Threatened or endangered species.	As required by the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 *et seq.*).
(5) Sensitive biological resources or habitats.	Essential fish habitat, refuges, preserves, special management areas identified in coastal management programs, sanctuaries, rookeries, hard bottom habitat, chemosynthetic communities, calving grounds, barrier islands, beaches, dunes, and wetlands.
(6) Archaeological resources	As required by the NHPA (16 U.S.C. 470 *et seq.*), as amended.
(7) Social and economic conditions	Employment, existing offshore and coastal infrastructure (including major sources of supplies, services, energy, and water), land use, subsistence resources and harvest practices, recreation, recreational and commercial fishing (including typical fishing seasons, location, and type), minority and lower income groups, coastal zone management programs, and viewshed.
(8) Coastal and marine uses	Military activities, vessel traffic, and energy and nonenergy mineral exploration or development.
(9) Consistency Certification	If required by CZMA, as appropriate: (i) 15 CFR part 930, subpart D, if the SAP is submitted prior to lease issuance; (ii) 15 CFR part 930, subpart E, if the SAP is submitted after lease issuance.
(10) Other resources, conditions, and activities.	As identified by BOEM.

■ 19. Revise § 585.612 to read as follows:

§ 585.612 How will my SAP be processed for Federal consistency under theCoastal Zone Management Act?

Your SAP will be processed based on whether it is submitted before or after your lease is issued:

If your SAP is submitted:	Consistency review of your SAP will be handled as follows:
(a) Before lease issuance	You will furnish a copy of your SAP, consistency certification, and necessary data and information pursuant to 15 CFR part 930, subpart D, to the applicable State CZMA agency or agencies and BOEM at the same time.
(b) After lease issuance	You will submit a copy of your SAP, consistency certification, and necessary data and information pursuant to 15 CFR part 930, subpart E to BOEM. BOEM will forward to the applicable State CZMA agency or agencies one paper copy and one electronic copy of your SAP, consistency certification, and necessary data and information required under 15 CFR part 930, subpart E, after BOEM has determined that all information requirements for the SAP are met.

■ 20. Amend § 585.627 by revising paragraphs (a) and (b) to read as follows:

§ 585.627 What information and certifications must I submit with my COP to assist the BOEM in complying with NEPA and other relevant laws?

(a) You must submit with your COP detailed information to assist BOEM in complying with NEPA and other relevant laws. Your COP must describe those resources, conditions, and activities listed in the following table that could be affected by your proposed activities, or that could affect the activities proposed in your COP, including:

Type of information:	Including:
(1) Hazard information	Meteorology, oceanography, sediment transport, geology, and shallow geological or manmade hazards.
(2) Water quality	Turbidity and total suspended solids from construction.
(3) Biological resources	Benthic communities, marine mammals, sea turtles, coastal and marine birds, fish and shellfish, plankton, seagrasses, and plant life.
(4) Threatened or endangered species.	As defined by the ESA (16 U.S.C. 1531 *et seq.*).
(5) Sensitive biological resources or habitats.	Essential fish habitat, refuges, preserves, special management areas identified in coastal management programs, sanctuaries, rookeries, hard bottom habitat, chemosynthetic communities, calving grounds, barrier islands, beaches, dunes, and wetlands.
(6) Archaeological resources	As required by the NHPA (16 U.S.C. 470 *et seq.*), as amended.
(7) Social and economic resources	Employment, existing offshore and coastal infrastructure (including major sources of supplies, services, energy, and water), land use, subsistence resources and harvest practices, recreation, recreational and commercial fishing (including typical fishing seasons, location, and type), minority and lower income groups, coastal zone management programs, and viewshed.
(8) Coastal and marine uses	Military activities, vessel traffic, and energy and nonenergy mineral exploration or development.
(9) Consistency Certification	As required by the CZMA regulations: (i) 15 CFR part 930, subpart D, if your COP is submitted before lease issuance. (ii) 15 CFR part 930, subpart E, if your COP is submitted after lease issuance.
(10) Other resources, conditions, and activities.	As identified by BOEM.

(b) You must submit one paper copy and one electronic copy of your consistency certification. Your consistency certification must include:

(1) One copy of your consistency certification under either subsection 307(c)(3)(B) of the CZMA (16 U.S.C. 1456(c)(3)(B)) and 15 CFR 930.76 or subsection 307(c)(3)(A) of the CZMA (16 U.S.C. 1456(c)(3)(A)) and 15 CFR 930.57, stating that the proposed activities described in detail in your plans comply with the State(s) approved coastal management program(s) and will be conducted in a manner that is consistent with such program(s); and

(2) ''Necessary data and information,'' as required by 15 CFR 930.58.

* * * * *

■ 21. Amend § 585.628 by revising paragraph (c) to read as follows:

§ 585.628 How will BOEM process my COP?

* * * * *

(c) If your COP is submitted after lease issuance, BOEM will forward one copy of your COP, consistency certification, and associated data and information under the CZMA to the applicable State CZMA agency or agencies after all information requirements for the COP are met.

* * * * *

■ 22. Amend § 585.640 by revising paragraph (b) to read as follows:

§ 585.640 What is a General Activities Plan (GAP)?

* * * * *

(b) You must receive BOEM approval of your GAP before you can begin any of the approved activities on your lease or grant. You must submit your GAP no later than 12 months from the date of the lease or grant issuance.

■ 23. Revise § 585.646 to read as follows:

§ 585.646 What information and certifications must I submit with my GAP to assist BOEM in complying with NEPA and other relevant laws?

You must submit, with your GAP, detailed information to assist BOEM in complying with NEPA and other relevant laws as appropriate.

(a) A GAP submitted for an area in which BOEM has not reviewed GAP activities under NEPA or other applicable Federal laws must describe those resources, conditions, and activities listed in the following table that could be affected by your proposed activities or that could affect the activities proposed in your GAP.

(b) For a GAP submitted for an area in which BOEM has considered GAP activities under applicable Federal law (*e.g.,* a NEPA analysis and CZMA consistency determination for the GAP activities), BOEM will review the GAP to determine if its impacts are consistent with those previously considered. If the anticipated effects of your proposed GAP activities are significantly different than those previously anticipated, we may determine that additional NEPA and other relevant Federal reviews are required. In that case, BOEM will notify you of such determination, and you must submit a GAP that describes those resources, conditions, and activities listed in the following table that could be affected by your proposed activities or that could affect the activities proposed in your GAP, including:

Type of information:	Including:
(1) Hazard information	Meteorology, oceanography, sediment transport, geology, and shallow geological or manmade hazards.
(2) Water quality	Turbidity and total suspended solids from construction.
(3) Biological resources	Benthic communities, marine mammals, sea turtles, coastal and marine birds, fish and shellfish, plankton, sea grasses, and other plant life.
(4) Threatened or endangered species.	As required by the ESA (16 U.S.C. 1531 *et seq.*).
(5) Sensitive biological resources or habitats.	Essential fish habitat, refuges, preserves, special management areas identified in coastal management programs, sanctuaries, rookeries, hard bottom habitat, chemosynthetic communities, calving grounds, barrier islands, beaches, dunes, and wetlands.
(6) Archaeological resources	As required by NHPA (16 U.S.C. 470 *et seq.*), as amended.
(7) Social and economic conditions	Employment, existing offshore and coastal infrastructure (including major sources of supplies, services, energy, and water), land use, subsistence resources and harvest practices, recreation, recreational and commercial fishing (including typical fishing seasons, location, and type), minority and lower income groups, coastal zone management programs, and viewshed.
(8) Coastal and marine uses	Military activities, vessel traffic, and energy and non-energy mineral exploration or development.
(9) Consistency Certification	If required by CZMA, as appropriate: (A) 15 CFR part 930, subpart D, if the GAP is submitted prior to lease or grant issuance; (B) 15 CFR part 930, subpart E, if the GAP is submitted after lease or grant issuance.
(10) Other resources, conditions, and activities.	As required by BOEM.

■ 24. Revise § 585.647 to read as follows:

§ 585.647 How will my GAP be processed for Federal consistency under the Coastal Zone Management Act?

Your GAP will be processed based on whether it is submitted before or after your lease or grant is issued:

If your GAP is submitted:	Consistency review of your GAP will be handled as follows:
(a) Before lease or grant issuance	You will furnish a copy of your GAP, consistency certification, and necessary data and information pursuant to 15 CFR part 930, subpart D, to the applicable State CZMA agency or agencies and BOEM at the same time.

If your GAP is submitted:	Consistency review of your GAP will be handled as follows:
(b) After lease or grant issuance	You will submit a copy of your GAP, consistency certification, and necessary data and information pursuant to 15 CFR 930, subpart E to BOEM. BOEM will forward to the applicable State CZMA agency or agencies one paper copy and one electronic copy of your GAP, consistency certification, and necessary data and information required under 15 CFR part 930, subpart E, after BOEM has determined that all information requirements for the GAP are met.

PART 590—APPEAL PROCEDURES

■ 25. The authority citation for part 590 is revised to read as follows:

Authority: 5 U.S.C. 301 et seq.; 31 U.S.C. 9701; 43 U.S.C. 1334.

■ 26. Amend § 590.4 by revising paragraph (b)(1) to read as follows:

§ 590.4 How do I file an appeal?

* * * * *

(b) * * *

(1) You must pay electronically through the *Fees for Services* page on the BOEM Web site at *http://www.boem.gov,* and you must include a copy of the *Pay.gov* confirmation receipt page with your Notice of Appeal.

* * * * *

[FR Doc. 2014–08488 Filed 4–16–14; 8:45 am]

BILLING CODE 4320–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket Number USCG–2014–0248]

Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Rock Island Railroad and Highway Drawbridge across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois. The deviation is necessary to allow the participants of the Quad City Marathon to cross the bridge. This deviation allows the bridge to be maintained in the closed-to-navigation position for four hours.

DATES: This deviation is effective from 7:30 a.m. to 11:30 a.m., September 28, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0248] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois to remain in the closed-to-navigation position for a four hour period from 7:30 a.m. to 11:30 a.m., September 28, 2014, while the Quad City Marathon is held between the cities of Davenport, IA and Rock Island, IL.

The Rock Island Railroad and Highway Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Rock Island Railroad and Highway Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 23.8 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 4, 2014.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2014–08783 Filed 4–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0926]

RIN 1625–AA09

Drawbridge Operation Regulation; New Jersey Intracoastal Waterway (NJICW), Barnegat Bay, Seaside Heights, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily modifying the operating schedule that governs the S37 Bridge, at NJICW mile 14.1 over Barnegat Bay, at Seaside Heights, NJ. Over the span of two and half years, the bridge will be closed to navigation for three four-month closure periods. Extensive replacement of parts and repairs to the bridge necessitate these closures.

DATES: This temporary final rule is effective from 8 a.m., on December 1, 2015 to 8 p.m., March 31, 2018.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0926. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Mr. Jim Rousseau,

Bridge Management Specialist, Coast Guard, telephone (757) 398–6557, email *James.L.Rousseau2@uscg.mil*. If you have questions on reviewing the docket, call Cheryl Collins, Program Manager, Docket Operations, (202)366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section Symbol
U.S.C. United States Code

A. Regulatory History and Information

On December 17, 2013, we published a NPRM titled, ''Drawbridge Operation Regulation; New Jersey Intracoastal Waterway, Barnegat Bay, Seaside Heights, NJ'' in the **Federal Register** (78 FR 76255). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

Parsons Brinkerhoff, a design consultant on behalf of NJDOT, requested a temporary change to the existing regulations for the S37 Bridge to facilitate necessary repairs. The repairs consist of extensive structural rehabilitation, decking replacement, bearing replacement, electrical repairs, gate replacement and improvements to necessitate this closure. To facilitate repairs, the bascule span will be maintained in the closed position to navigation on three four-month closure periods beginning at 8 a.m., December 1, 2015 until 8 p.m., March 31, 2016; from 8 a.m., December 1, 2016 until 8 p.m., March 31, 2017; and from 8 a.m., December 1, 2017 until 8 p.m. March 31, 2018.

The Coast Guard has reviewed the bridge data provided by NJDOT. The data, from years 2004 to 2013, shows a substantial decrease in the number of bridge openings and vessel traffic transiting the area between December and March. Spring and fall average openings are approximately 100 per month. In the winter months, openings average approximately 6 vessel openings per month. A survey was conducted with nine local commercial marinas that also indicated, there will be minimal impact to their customers and operations. The S37 Bridge, also known locally as the Thomas A. Mathis Bridge, is a double leaf bascule bridge with a vertical clearance of approximately 30 feet, above mean high water. Based on the data provided, the proposed closure dates will have minimal impact on vessel traffic.

C. Discussion of Comments, Changes and the Temporary Final Rule

The Coast Guard will temporarily revise the operating regulations at 33 CFR 117.733(c)(1) governing the S37 Bridge, at NJICW mile 14.1, over Barnegat Bay, at Seaside Heights, NJ. The Coast Guard will temporarily suspend 33 CFR 117.733(c)(1) and insert this new regulation at 33 CFR 117.733(c)(4).

Paragraph (c)(4) will allow the draw to be maintained in the closed position to vessels during the extensive rehabilitation project on three four-month closure periods beginning 8 a.m., December 1, 2015 until 8 p.m., March 31, 2016; from 8 a.m., December 1, 2016 until 8 p.m., March 31, 2017; and from 8 a.m., December 1, 2017 until 8 p.m., March 31, 2018. Vessels with a mast height of less than 30 feet can pass underneath the bridge in the closed position at anytime. The Atlantic Ocean is the only alternate route available for vessels unable to pass underneath the bridge and the bridge will be unable to open during the closure period. The Coast Guard provided a comment period of 60 days and no comments were received on the proposed rule.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes or 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 Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This change is not a significant regulatory action because it is expected to have minimal impact on mariners due to a slow down of users in the winter months with no anticipated change to vessel traffic.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This action will not have a significant economic impact on a substantial number of small entities for the following reasons. There have been minimal vessel requests requiring openings for the past 9 years in the winter months. Vessels that can safely transit under the bridge may do so at any time.

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 calls 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 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

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 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 might 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves the change to the operating schedule for the S37 Barnegat Bay Bridge in order to accommodate necessary repair. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard temporarily amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.733, suspend paragraph (c)(1) and add a new paragraph (c)(4), to read as follows:

§ 117.733 New Jersey Intracoastal Waterway.

* * * * *

(c) * * *

(4) From 8 a.m. December 1, 2015 until 8 p.m. March 31, 2016; from 8 a.m. December 1, 2016 until 8 p.m. March 31, 2017; and from 8 a.m. December 1, 2017 until 8 p.m. March 31, 2018, the S37 Bridge, mile 14.1, at Seaside Heights may remain closed to navigation.

* * * * *

Dated: April 2, 2014.

Steven H. Ratti,

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

[FR Doc. 2014–08787 Filed 4–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0245]

Drawbridge Operation Regulation; Tennessee River, Decatur, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Southern Railroad Drawbridge across the Tennessee River, mile 304.4, at Decatur, Alabama. The deviation is necessary to allow the bridge owner time to replace and adjust the down haul operating ropes that are essential to the continued safe operation of the drawbridge. This deviation allows the bridge to remain in the closed-to-navigation position and not open to vessel traffic.

DATES: This deviation is effective from 6 a.m. to 8 p.m., on May 6, 2014.

ADDRESSES: The docket for this deviation, (USCG–2014–0245) is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railroad requested a temporary deviation for the Southern Railroad Drawbridge, across the Tennessee River, mile 304.4, at Decatur,

Alabama to remain in the closed-to-navigation position for 14 hours from 6 a.m. to 8 p.m. on May 6, 2014, in order to replace and adjust the down haul operation ropes.

The Southern Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridge shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

There are no alternate routes for vessels transiting this section of the Tennessee River.

The Southern Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 10.52 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 4, 2014.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2014–08782 Filed 4–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0058]

RIN 1625–AA00

Safety Zone; Lucas Oil Drag Boats Racing Series; Lake Havasu City, AZ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of Colorado River in Lake Havasu, AZ for the Lucas Oil Drag Boats Racing Series from May 2, 2014 through May 4, 2014. The safety zone would be in effect from 7 a.m. to 7 p.m. daily during this timeframe. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels would be prohibited from entering into, transiting through or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 7 a.m. on May 2, 2014, until 7 p.m. on May 4, 2014. This rule will be enforced from 7 a.m. until 7 p.m. local time on May 2nd, May 3rd, and May 4th, 2014.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2014–0058 and are available online by going to *http://www.regulations.gov,* inserting USCG–2014–0058 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Giacomo Terrizzi, Waterways Management, U.S. Coast Guard Sector San Diego; telephone (619) 278–7656, email *Giacomo.Terrizzi@USCG.MIL.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

A. Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable. The Coast Guard did not receive the necessary information from the event sponsor with sufficient enough time to complete the rulemaking process; consequently, the event would occur before the rulemaking process could be completed.

Under 5 U.S.C. 553(d)(3), for the same reasons mentioned above, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Because of these time constraints, it is impracticable that the Coast Guard issue an NPRM. Immediate action is necessary to ensure the safety of vessels, spectators, participants, and others in the vicinity of the marine event on the dates and times this rule will be in effect.

B. Basis and Purpose

The Coast Guard is establishing a temporary safety zone on the navigable waters of the Thompson Bay, Lake Havasu, AZ for The Lucas Oil Drag Boat Racing Series. This safety zone is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and other users of the waterway. At this event, over 100 race teams from across the United States and Canada are expected to participate. The safety zone will cover the majority of Thompson Bay. The course requires enforcement of a safety zone while the drag boats are on the course, thus restricting vessel traffic within the Thompson Bay for 36 hours spanning three days. There will be approximately 27 safety vessels provided by the sponsor to help maintain the temporary safety zone and assist boating traffic in vicinity of the event.

C. Discussion of Rule

The Coast Guard is establishing a temporary safety zone that will be enforced from 7 a.m. to 7 p.m. on May 2, 2014 through May 4, 2014. The safety zone includes the waters of Thompson Bay encompassed by drawing a line from point to point along the following coordinates:

Northern Zone line:

34°27′57.96″ N, 114°20′48.49″ W
34°27′57.71″ N, 114°20′49.75″ W

North West Zone Line:

34°27′07.99″ N, 114°21′09.93″ W
34°26′51.99″ N, 114°21′03.83″ W

South Zone Line:

34°27′07.99″ N, 114°21′09.93″ W
34°26′51.99″ N, 114°21′03.83″ W

This safety zone is necessary to ensure personnel and vessels remain safe by keeping clear during the high speed transit of drag boats. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

Vessels will be able to transit the surrounding area and may be authorized to transit through the safety zone with the permission of the Captain of the Port or the designated representative. Before activating the zones, the Coast Guard will notify mariners by appropriate means including but not limited to Local Notice to Mariners.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or 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. This determination is based on the size and location of the safety zone, as well as the history of previous similar events. Vessels will be allowed to transit through the designated safety zone during specified periods, between races while escorted by a designated escort sponsor vessel. Additionally, before the effective period, the Coast Guard will publish a Local Notice to Mariners (LNM).

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: Owners or operators of vessels intending to transit or anchor in this portion of Lake Havasu or any small business which may rely on vessel traffic in the area for business from May 2, 2014 through May 4, 2014 from 7 a.m. to 7 p.m.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic will be allowed through the safety zone if they obtain permission from the Captain of the Port or his designated representative.

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. 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. 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 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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule 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 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 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 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 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 concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human

environment. This rule involves establishing a temporary safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

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—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, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–621 to read as follows:

§ 165.T11–621 Safety zone; Lucas Oil Drag Boats Racing Series; Lake Havasu City, AZ.

(a) *Location.* The safety zone includes the waters of Thompson Bay encompassed by drawing a line from point to point along the following coordinates:

Northern Zone line:

34°27′57.96″ N, 114°20′48.49″ W
34°27′57.71″ N, 114°20′49.75″ W

North West Zone Line:

34°27′07.99″ N, 114°21′09.93″ W
34°26′51.99″ N, 114°21′03.83″ W

South Zone Line:

34°27′07.99″ N, 114°21′09.93″ W
34°26′51.99″ N, 114°21′03.83″ W

(b) *Enforcement Period.* This section is effective from 7 a.m. on May 2, 2014, until 7 p.m. on May 4, 2014. It will be enforced from 7 a.m. to 7 p.m. each day (May 2nd, May 3rd, and May 4th, 2014). Before the effective period, the Coast Guard will publish a Local Notice to Mariners (LNM). If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *Designated representative,* means any commissioned, warrant, or petty officer of the Coast Guard on land or on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) In accordance with general regulations in 33 CFR part 165, subpart C, entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Captain of the Port designated representative, who can be reached on VHF–FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: March 4, 2014.

S.M. Mahoney,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2014–08788 Filed 4–16–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2009–0594; FRL–9909–56-Region 6]

Approval and Promulgation of Implementation Plans; States of Arkansas and Louisiana; Clean Air Interstate Rule State Implementation Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking a direct final action to approve revisions submitted to the applicable State Implementation Plans (SIPs) addressing the requirements of EPA's Clean Air Interstate Rule (CAIR) for Arkansas and Louisiana. EPA is approving revisions to the CAIR NO_X Ozone Season allocation methodology submitted by the State of Arkansas as revisions to the Arkansas SIP on September 16, 2009. EPA is also approving revisions to the CAIR NO_X Annual and Ozone Season Abbreviated SIP for the annual and ozone season NO_X allocation methodologies and the CAIR SO_2 SIP submitted by the State of Louisiana as revisions to the Louisiana SIP on July 1, 2009. EPA has evaluated the CAIR SIP revisions for Arkansas and Louisiana and determined these revisions to be consistent with the requirements of CAIR and the Clean Air Act (Act or CAA). This action is being taken under section 110 of the Act.

DATES: This direct final rule is effective on June 16, 2014 without further notice, unless EPA receives relevant adverse comment by May 19, 2014. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2009–0594, by one of the following methods:

(1) *www.regulations.gov:* Follow the on-line instructions.

(2) *Email:* Ms. Adina Wiley at *wiley.adina@epa.gov.*

(3) *Mail or Delivery:* Ms. Adina Wiley, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2009–0594. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. If EPA cannot read your comment due to technical difficulties and cannot contact you for

clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption and should be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning today's direct final action, please contact Ms. Adina Wiley (6PD–R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD–R), Suite 1200, Dallas, Texas 75202–2733, telephone (214) 665–2115; email address *wiley.adina@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Table of Contents

I. Regulatory History of CAIR
II. General Requirements of CAIR
III. Analysis of the Arkansas September 16, 2009, CAIR SIP Revision
IV. Analysis of the Louisiana July 1, 2009, CAIR SIP Revision
V. Final Action
VI. Statutory and Executive Order Reviews

I. Regulatory History of CAIR

EPA published CAIR on May 12, 2005 (70 FR 25162). In CAIR, EPA determined that 28 states and the District of Columbia contribute significantly to nonattainment and interfere with maintenance of the 1997 national ambient air quality standards (NAAQS) for fine particles ($PM_{2.5}$) and/or the 1997 8-hour ozone NAAQS in downwind states in the eastern part of the country. As a result, EPA required those upwind states to revise their SIPs to include control measures that reduce emissions of sulfur dioxide (SO_2), which is a precursor to $PM_{2.5}$ formation, and/or nitrogen oxides (NO_X), which is a precursor to both ozone and $PM_{2.5}$ formation. For jurisdictions that contribute significantly to downwind $PM_{2.5}$ nonattainment, CAIR sets annual state-wide emission reduction requirements (i.e., budgets) for SO_2 and NO_X. Similarly, for jurisdictions that contribute significantly to 8-hour ozone nonattainment, CAIR sets state-wide emission budgets for NO_X for the ozone season (May 1st to September 30th). Under CAIR, states may implement these reduction requirements by participating in the EPA-administered cap-and-trade programs or by adopting any other control measures.

Additionally, on April 28, 2006, EPA published two additional CAIR-related final rules that added the states of Delaware and New Jersey to the list of states subject to CAIR for 1997 $PM_{2.5}$ and announced EPA's final decisions on reconsideration of five issues, without making any substantive changes to the CAIR requirements. On October 19, 2007, EPA amended CAIR to clarify the definition of ''cogeneration unit'' and, thus, the applicability of the CAIR trading program to cogeneration units.

EPA was sued by a number of parties on various aspects of CAIR, and on July 11, 2008, the D.C. Circuit Court found CAIR unlawful. *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008). The Court's original decision vacated CAIR. *Id.* at 929–30. However, the Court subsequently remanded CAIR to EPA without vacatur because it found that allowing CAIR to remain in effect until it is replaced would preserve the environmental values covered by CAIR. On August 8, 2011, EPA finalized its Cross State Air Pollution Rule (CSAPR) (Transport Rule) intended to replace the remanded CAIR. However, on August 21, 2012, the D.C. Circuit issued a decision vacating the Transport Rule. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012). The Court again ordered EPA to continue implementing CAIR in the interim pending promulgation of a replacement rule. Subsequently, the Supreme Court granted the United States' petition for certiorari and agreed to review the D.C. Circuit's decision in *EME Homer City,* and held oral arguments on December 10, 2013. A decision is currently pending. In the meantime, EPA intends to act in accordance with the D.C. Circuit's instruction in *EME Homer City* to continue implementing CAIR. CAIR requirements are in place, its regional control programs are operating while EPA develops replacement rules in response to the pertinent court decisions, and CAIR requirements remain in effect for Arkansas and Louisiana. The instant actions have no impact on the legal status of CAIR or CSAPR.

II. General Requirements of CAIR

CAIR establishes State-wide emission budgets for SO_2 and NO_X and is to be implemented in two phases. The first phase of NO_X reductions started in 2009 and continues through 2014, while the first phase of SO_2 reductions started in 2010 and continues through 2014. The second phase of reductions for both NO_X and SO_2 starts in 2015 and continues thereafter. CAIR requires States to implement the budgets by either: (1) requiring EGUs to participate in the EPA-administered cap-and-trade programs; or (2) adopting other control measures of the State's choosing and demonstrating that such control measures will result in compliance with the applicable State SO_2 and NO_X budgets.

The May 12, 2005 and April 28, 2006, CAIR rules provide model rules that States must adopt (with certain limited changes, if desired) if they want to participate in the EPA-administered trading programs. With two exceptions, only States that choose to meet the requirements of CAIR through methods that exclusively regulate EGUs are allowed to participate in the EPA-administered trading programs. One exception is for States that adopt the opt-in provisions of the model rules to allow non-EGUs individually to opt into the EPA-administered trading programs. The other exception applies to States that choose to include all non-EGUs from their NO_X SIP Call trading programs in their CAIR NO_X ozone season trading programs.[1]

States have the flexibility to choose the type of control measures they use to meet the requirements of CAIR. EPA anticipated that most States would choose to meet the CAIR requirements by selecting an option that requires EGUs to participate in the EPA-administered CAIR cap-and-trade programs. For such States, EPA provides two approaches for submitting and obtaining approval for CAIR SIP revisions. States may submit full SIP revisions that adopt the model CAIR cap-and-trade rules. If approved, these SIP revisions fully replace the CAIR FIPs. Alternatively, States may submit abbreviated SIP revisions. These SIP revisions do not replace the CAIR FIPs; however, the CAIR FIPs provide that, when approved, the provisions in these abbreviated SIP revisions be used

[1] Arkansas and Louisiana did not adopt opt-in provisions in the original CAIR SIP submittals. Arkansas and Louisiana are not subject to the NO_X SIP Call. Therefore, the Arkansas and Louisiana CAIR regulations only pertain to EGUs.

instead of or in conjunction with, as appropriate, the corresponding provisions of the CAIR FIPs (e.g., the NO_X allowance allocation methodology).

III. Analysis of the Arkansas September 16, 2009, CAIR SIP Revision

EPA approved the Arkansas CAIR NO_X Ozone Season SIP on September 26, 2007, as fully implementing the requirements of the CAIR NO_X Ozone Season Program by requiring certain EGUs to participate in the EPA-administered CAIR cap-and-trade program for NO_X ozone season emissions. See 72 FR 54556. Subsequent to our full approval of the Arkansas CAIR NO_X ozone season SIP and the withdrawal of the CAIR NO_X ozone season FIP for Arkansas, the Arkansas Department of Environmental Quality (ADEQ) submitted on September 16, 2009, one revision to the Arkansas SIP for the CAIR NO_X Ozone Season program. The September 16, 2009, SIP submittal includes revisions to the CAIR NO_X Ozone Season incorporation by reference dates at Regulation 19.1401 and the allocation methodology at Regulation 19.1404 adopted by the Arkansas Pollution Control and Ecology Commission on December 5, 2008 and June 26, 2009. Because we have already approved the underlying Arkansas CAIR NO_X ozone season program as satisfying the minimum requirements of CAIR, EPA will only evaluate the revisions submitted to the Arkansas CAIR NO_X ozone season SIP.

A. Revisions to Regulation 19.1401

The ADEQ submitted a revision to the incorporation by reference date of the CAIR NO_X Ozone Season program at Regulation 19.1401—Adoption of Regulations. In this section, the ADEQ incorporates the requirements of 40 CFR Part 96, Subparts AAAA—HHHH for the CAIR NO_X Ozone Season Trading Program, as finalized by the EPA on May 12, 2005, and further revised on April 28, 2006, December 13, 2006 and October 19, 2007. EPA finds that the ADEQ correctly updated the CAIR applicability to address the revisions made to the definition of cogeneration units on October 19, 2007. EPA is approving this revision to the incorporation by reference date as consistent with the requirements of CAIR.

B. Revisions to Regulation 19.1404

The ADEQ submitted revisions to the Arkansas CAIR NO_X Ozone Season allocation methodology at Regulation 19.1404—CAIR NO_X Ozone Season Allowance Allocations. EPA has previously SIP-approved Regulation 19.1404 as replacing the federal allocation methodology at 40 CFR Part 96, Subpart EEEE. The underlying allocation methodology remains unchanged, but the ADEQ has adopted and submitted non-substantive revisions to update cross-references and abbreviations. EPA is approving these non-substantive revisions as necessary to improve clarity and functionality of the rule.

IV. Analysis of the Louisiana July 1, 2009, CAIR SIP Revision

A. Revisions to the Louisiana CAIR NO_X Annual and NO_X Ozone Season Abbreviated SIP

EPA approved the Louisiana CAIR NO_X Annual and NO_X Ozone Season Abbreviated SIP revision on September 28, 2007. See 72 FR 55064. In that action, we evaluated the NO_X Annual and NO_X Ozone Season allocation methodologies, found them to be consistent with the requirements of the CAIR NO_X Annual and NO_X Ozone Season programs, and determined that the Louisiana allocation methodology was sufficient to replace the CAIR NO_X Annual and NO_X Ozone Season FIP allocation methodologies.

Since our September 28, 2007 approval of the Louisiana abbreviated CAIR NO_X Annual and NO_X Ozone Season SIP revision, the LDEQ adopted and submitted on July 1, 2009, one revision to the Louisiana SIP to revise the NO_X annual and NO_X ozone season allocation methodologies at LAC 33:III.506.A and 506.B. Generally, the July 1, 2009, submittal updates the citations to address the October 19, 2007 revisions to CAIR for cogenerators; revises and adds definitions to the CAIR NO_X annual and NO_X ozone season allocation methodologies; and revises the allocation methodology provisions as a result of comments and experience to promote more equitable distribution of allowances specific to the Louisiana regulated EGUs.

1. Revisions to LAC 33:III.506.A—CAIR NO_X Annual Program

The LDEQ submitted revisions to the CAIR NO_X Annual Abbreviated SIP at LAC 33:III.506(A) Clean Air Interstate Rule Requirements—Nitrogen Oxide Annual Program. The LDEQ has revised the introductory paragraph to state that the requirements of 40 CFR Part 97, Subparts AA—HH for the CAIR NO_X Annual Trading Program, as revised on October 19, 2007, continue to apply, except as modified by the Louisiana CAIR NO_X Annual abbreviated SIP. The abbreviated SIP revision for NO_X Annual Allocation methodology at LAC 33.III.506(A) will continue to replace the requirements at 40 CFR 97.141 and 97.142 regarding Timing Requirements for CAIR NO_X Allowance Allocations and CAIR NO_X Allowance Allocations. EPA finds that the LDEQ correctly updated the CAIR applicability to address the revisions made to the definition of cogeneration units on October 19, 2007. EPA is approving this revision to LAC 33:III.506(A) as consistent with the requirements of CAIR.

The LDEQ also submitted revisions to the Louisiana CAIR NO_X Annual Allocation Methodology. These revisions are implemented through new and amended definitions applicable to the Louisiana CAIR NO_X Annual program at LAC 33:III.506(A)(1) and the provisions establishing the allocation calculations at LAC 33:III.506(A)(2). Combined, these revisions modify the Louisiana CAIR NO_X annual allocation methodology to distribute allowances to certified and utility units in a manner found to be more equitable by the state and add provisions to address allocations to repowered units. The submitted revisions did not revise any of the SIP-approved requirements for submittal of the allocations to EPA or revise the NO_X Annual budget for Louisiana. EPA is approving these revisions because we find that the LDEQ has tailored the CAIR NO_X Annual allocation methodology to be reflective of Louisiana-specific circumstances, as is the state's prerogative under the CAIR SIP provisions at 40 CFR 51.123(p)(1).

2. Revisions to LAC 33:III.506.B—CAIR NO_X Ozone Season Program

The LDEQ submitted revisions to the incorporation by reference date of the CAIR NO_X Ozone Season Abbreviated SIP at LAC 33:III.506(B) Clean Air Interstate Rule Requirements—Nitrogen Oxide Ozone Season Program. The LDEQ has revised the introductory paragraph to state that the requirements of 40 CFR Part 97, Subparts AAAA—HHHH for the CAIR NO_X Ozone Season Trading Program, as revised on October 19, 2007, continue to apply, except as modified by the Louisiana CAIR NO_X Ozone Season abbreviated SIP. The abbreviated SIP revision for NO_X Ozone Season Allocation methodology at LAC 33.III.506(B) will continue to replace the requirements at 40 CFR 97.341 and 97.342 regarding Timing Requirements for CAIR NO_X Ozone Season Allowance Allocations and CAIR NO_X Ozone Season Allowance Allocations. EPA finds that the LDEQ correctly updated the CAIR applicability to address the revisions made to the definition of

cogeneration units on October 19, 2007. EPA is approving this revision to LAC 33:III.506(B) as consistent with the requirements of CAIR.

The LDEQ also submitted revisions to the Louisiana CAIR NO_X Ozone Season Allocation Methodology. These revisions are implemented through new and amended definitions applicable to the Louisiana CAIR NO_X Ozone Season program at LAC 33:III.506(B)(1) and the provisions establishing the allocation calculations at LAC 33:III.506(B)(2). Combined, these revisions modify the Louisiana CAIR NO_X ozone season allocation methodology to distribute allowances to certified and utility units in a manner found to be more equitable by the state and add provisions to address allocations to repowered units. The submitted revisions did not revise any of the SIP-approved requirements for submittal of the allocations to EPA or revise the NO_X Ozone Season budget for Louisiana. EPA is approving these revisions because we find that the LDEQ has tailored the CAIR NO_X Ozone Season allocation methodology to be reflective of Louisiana-specific circumstances, as is the state's prerogative under the CAIR SIP provisions at 40 CFR 51.123(ee)(2).

B. Revisions to the Louisiana CAIR SO_2 Program

On July 20, 2007, EPA approved the Louisiana CAIR SO_2 SIP as fully implementing the annual SO_2 requirements of CAIR by requiring certain EGUs to participate in the EPA-administered CAIR cap-and-trade program for SO_2 emissions. See 72 FR 39741.

1. Revisions to LAC 33:III.506.C—CAIR Annual SO_2 Program

Subsequent to our full approval of the Louisiana CAIR SO_2 SIP and the withdrawal of the CAIR SO_2 FIP for Louisiana, the LDEQ submitted on July 1, 2009, a revision to the Louisiana SIP for the CAIR SO_2 program. The July 1, 2009, SIP submittal updates the CAIR SO_2 program incorporation by reference dates at LAC 33:III.506.C. In this section, the LDEQ incorporates by reference the CAIR SO_2 program as published at 40 CFR Part 96 on July 1, 2007 and revised on October 19, 2007 at 72 FR 59190–59207. EPA finds that the LDEQ correctly updated the CAIR SO_2 incorporation by reference dates to include the revisions made to the definition of cogeneration units on October 19, 2007. EPA is approving this revision to the incorporation by reference date as consistent with the requirements of CAIR.

V. Final Action

Under section 110 of the Act, and for the reasons stated above, EPA is taking direct final action to approve revisions to the Arkansas and Louisiana SIPs pertaining to CAIR. Specifically, EPA is approving revisions to the Arkansas CAIR NO_X Ozone Season Program at Regulation 19.1401 and 19.1404 as adopted on December 5, 2008, and submitted as revisions to the Arkansas SIP on September 16, 2009. EPA is also approving revisions to the Louisiana CAIR NO_X Annual and Ozone Season Program for the annual and ozone season NO_X allocation methodologies at LAC 33:III.506 (A) and (B) and the Louisiana CAIR SO_2 Program at LAC 33:III.506(C) adopted on June 20, 2008, by the State of Louisiana and submitted as revisions to the Louisiana SIP on July 1, 2009.

We are approving the revisions to the Arkansas and Louisiana SIPs under section 110 of the Act. We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no relevant adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on *June 16, 2014* without further notice unless we receive relevant adverse comment by *May 19, 2014.* If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VI. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a

report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 16, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 2, 2014.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR Part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart E—Arkansas

■ 2. In § 52.170(c), the table titled ''EPA-Approved Regulations in the Arkansas SIP'' is amended by revising the entries for Reg. 19.1401 and Reg 19.1404.

§ 52.170 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP

State citation	Title/Subject	State submittal/ effective date	EPA approval date	Explanation
*	*	*	*	*
Reg. 19.1401	Adoption of Regulations	9/16/2009	4/17/2014 [Insert FR page number where document begins]..	
*	*	*	*	*
Reg. 19.1404	CAIR NO_X Ozone Season Allowance Allocations.	9/16/2009	4/17/2014 [Insert FR page number where document begins]..	
*	*	*	*	*

* * * * *

Subpart T—Louisiana

■ 3. In § 52.970(c), the table titled ''EPA Approved Louisiana Regulations in the Louisiana SIP'' is amended by revising the entries for Sections 506(A), 506(B), and 506(C).

§ 52.970 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP

State citation	Title/Subject	State approval date	EPA approval date	Explanation
*	*	*	*	*
Section 506(A)	Clean Air Interstate Rule Requirements—Nitrogen Oxide Annual Program.	6/20/2008	4/17/2014 [Insert FR page number where document begins].	
Section 506(B)	Clean Air Interstate Rule Requirements—Nitrogen Oxide Ozone Season Program.	6/20/2008	4/17/2014 [Insert FR page number where document begins].	
Section 506(C)	Clean Air Interstate Rule Requirements—Annual Sulfur Dioxide.	6/20/2008	4/17/2014 [Insert FR page number where document begins].	
*	*	*	*	*

* * * * *

[FR Doc. 2014–08647 Filed 4–16–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 229

Locomotive Safety Standards

CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 200 to 299, revised as of October 1, 2013, on page 501, § 229.17 is reinstated to read as follows:

§ 229.17 Accident reports.

(a) In the case of an accident due to a failure from any cause of a locomotive or any part or appurtenance of a locomotive, or a person coming in contact with an electrically energized part or appurtenance, that results in serious injury or death of one or more persons, the carrier operating the locomotive shall immediately report the accident by toll free telephone, Area Code 800–424–0201. The report shall state the nature of the accident, number of persons killed or seriously injured, the place at which it occurred, the location at which the locomotive or the affected parts may be inspected by the FRA, and the name, title and phone number of the person making the call. The locomotive or the part or parts affected by the accident shall be preserved intact by the carrier until after the FRA inspection.

(b) Written confirmation of the oral report required by paragraph (a) of this section shall be immediately mailed to the Federal Railroad Administration, RRS–25, Washington, D.C. 20590, and contain a detailed description of the accident, including to the extent known, the causes and the number of persons killed and injured. The written report required by this paragraph is in addition to the reporting requirements of 49 CFR Part 225.

[FR Doc. 2014–08931 Filed 4–16–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 131231999–4319–01]

RIN 0648–BD87

Temporary Rule To Establish Separate Annual Catch Limits and Accountability Measures for Blueline Tilefish in the South Atlantic Region

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

ACTION: Temporary rule; emergency action.

SUMMARY: NMFS issues this temporary rule to reduce the amount of blueline tilefish that may be harvested in the exclusive economic zone (EEZ) of the South Atlantic by removing the blueline tilefish portion from the deep-water complex annual catch limit (ACL) and establishing separate commercial and recreational ACLs and accountability measures (AMs) for blueline tilefish. At its December 2013 meeting, the South Atlantic Fishery Management Council (Council) requested emergency action regarding blueline tilefish given new stock assessment results that indicate the blueline tilefish stock is overfished and undergoing overfishing in the South Atlantic. This temporary rule is based upon the best scientific information available, and will be effective for 180 days, unless superseded by subsequent rulemaking. NMFS may extend the rule's effectiveness for an additional 186 days pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The intent of this rulemaking is to reduce overfishing of blueline tilefish in the South Atlantic.

DATES: This temporary rule is effective April 17, 2014, through October 14, 2014. Comments may be submitted through May 19, 2014.

ADDRESSES: You may submit comments on the temporary rule, identified by ''NOAA–NMFS–2014–0027'', by any of the following methods:

- *Electronic submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0027,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Rick DeVictor, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the documents in support of this temporary rule may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2014/acl_er/index.html.*

FOR FURTHER INFORMATION CONTACT: Rick DeVictor, Southeast Regional Office, NMFS, telephone: 727–824–5305, email: *Rick.DeVictor@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage South Atlantic snapper-grouper species, including blueline tilefish, under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act. The Magnuson-Stevens Act provides the legal authority for the promulgation of emergency regulations under section 305(c) (16 U.S.C. 1855(c)).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires fishery managers to end overfishing of stocks and to minimize bycatch and bycatch mortality to the extent practicable.

On March 16, 2012, NMFS published a final rule for the Comprehensive ACL Amendment (77 FR 15916) which established a deep-water complex ACL for yellowedge grouper, blueline tilefish, silk snapper, misty grouper, sand tilefish, queen snapper, black snapper, and blackfin snapper. The commercial ACL for the deep-water complex is 376,469 lb (170,763 kg), round weight, and the recreational ACL for the deep-water complex is 334,556 lb (151,752 kg), round weight, for a total

deep-water complex ACL of 711,025 lb (322,516 kg), round weight. Within the deep-water complex commercial ACL, the blueline tilefish portion is 316,098 lb (143,380 kg), round weight, and within deepwater complex recreational ACL, the blueline tilefish portion is 315,243 lb (142,992 kg), round weight. The blueline tilefish portion of the total deep-water complex ACL is 631,341 lb (286,371 kg), round weight.

The blueline tilefish stock in the South Atlantic was assessed through the Southeast, Data, Assessment, and Review (SEDAR) process in 2013. The assessment indicates that the stock is experiencing overfishing and is overfished according to the current definition for the minimum stock size threshold (MSST). NMFS notified the Council of the blueline tilefish stock status on December 6, 2013. The Magnuson-Stevens Act specifies that measures to end overfishing and rebuild the stock must be implemented within 2 years of such notification.

At its December 2013 meeting, the Council initiated the development of Amendment 32 to the FMP to address this issue. The Council and NMFS, through actions in Amendment 32, plan to develop and propose management actions that would end overfishing immediately and rebuild the blueline tilefish stock. However, Amendment 32 and associated rulemaking is not likely to be completed until 2015.

Therefore, at its December 2013 meeting, the Council requested emergency action to begin in 2014 to reduce overfishing of blueline tilefish while permanent management measures and regulations are being developed through Amendment 32. The need for this emergency action is to minimize adverse biological effects to the blueline tilefish stock and adverse socio-economic effects to fishermen and fishing communities that utilize the blueline tilefish portion of the snapper-grouper fishery. Although the actions in this temporary rule, if implemented, would likely have adverse, socio-economic effects beginning in 2014, the Council and NMFS have determined that the short-term effects would be justified to minimize long-term reductions in harvest that may be required if the current levels of unsustainable harvest continue to reduce the biomass of the blueline tilefish stock. The blueline tilefish landings in 2012 of 477,126 lb (216,421 kg), round weight, were much greater than the maximum sustainable yield (MSY) at equilibrium (226,500 lb (102,739 kg), round weight), as determined by the SEDAR 32 stock assessment. Continued exploitation at levels similar to the 2012 landings would negatively affect the health of the blueline tilefish stock by allowing overfishing to continue.

Need for This Temporary Rule; Emergency Action

The ''Policy Guidelines for the Use of Emergency Rules'' (62 FR 44421, August 21, 1997) list three criteria for determining whether an emergency exists.

(1) Results from recent, unforeseen events or recently discovered circumstances; and

(2) Presents serious conservation or management problems in the fishery; and

(3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts to the same extent as would be expected under the normal rulemaking process.

NMFS is promulgating these emergency regulations under the authority of the Magnuson-Stevens Act, consistent with these three criteria. To address the first criterion, the recently discovered circumstance is the new stock assessment (SEDAR 32) results indicating that the blueline tilefish stock in the South Atlantic is experiencing overfishing and is overfished according to the current definition for the MSST.

To address the second criterion, the measures in this temporary rule are necessary to reduce the current level of overfishing of blueline tilefish in the South Atlantic EEZ while permanent measures are being developed, in order to address the serious conservation concern. If this temporary rule is not implemented, the current rate of fishing mortality would continue to negatively affect the health of the blueline tilefish stock by allowing fishing at unsustainable levels. The actions in the temporary rule are expected to minimize the long-term adverse socio-economic effects from future management measures in Amendment 32 that will be required to end overfishing.

To address the third criterion, NMFS has determined that the immediate benefit of implementing the temporary rule, and thus the immediate minimization of adverse biological effects of significant overharvest and reduction of blueline tilefish biomass outweighs the value of advance notice, public comment, and deliberative consideration of the impacts to the same extent as would be expected under the normal rulemaking process. Continued harvest at levels similar to the 2012 landings would negatively affect the health of the blueline tilefish stock and likely require greater long-term reductions in harvest. This emergency action will minimize adverse biological effects described above and minimize long-term adverse socio-economic effects to fishermen and fishing communities that utilize the blueline tilefish resource. This temporary rule implements a blueline tilefish total ACL of 224,100 lb (101,650 kg), round weight; in contrast, the current total blueline tilefish portion of the deep-water complex ACL is 631,341 lb (286,371 kg), round weight. This temporary rule also establishes in-season commercial and recreational AMs for blueline tilefish to prevent these catch limits from being exceeded. Commercial and recreational fishing activities are already underway for the 2014 fishing season that began on January 1, 2014. By foregoing prior notice and public comment, NMFS can ensure that the overfishing of blueline tilefish is reduced during this fishing season.

Measures Contained in This Temporary Rule

This temporary rule removes the blueline tilefish from the deep-water complex and establishes separate commercial and recreational ACLs and AMs for blueline tilefish in the EEZ of the South Atlantic. The commercial and recreational ACLs for blueline tilefish will be based upon the equilibrium yield at 75 percent of the fishing mortality to achieve MSY and existing sector allocations (50.07 percent commercial and 49.93 percent recreational) that were established in the Comprehensive ACL Amendment. This temporary rule implements a blueline tilefish total (commercial and recreational) ACL of 224,100 lb (101,650 kg), round weight; the current total (commercial and recreational) blueline tilefish portion of the deep-water complex ACL is 631,341 lb (286,371 kg), round weight. The commercial ACL for blueline tilefish in the South Atlantic implemented through this temporary rule is 112,207 lb (50,896 kg), round weight. The recreational ACL for blueline tilefish in the South Atlantic implemented through this temporary rule is 111,893 lb (50,754 kg), round weight. The deep-water complex (composed of yellowedge grouper, silk snapper, misty grouper, queen snapper, sand tilefish, black snapper, and blackfin snapper) ACL would remain at current levels, except with the current blueline tilefish portion of 631,341 lb (286,371 kg), round weight, removed.

Thus, for the deep-water complex without blueline tilefish, the commercial ACL implemented through this temporary rule is 60,371 lb (27,384 kg), round weight, and the recreational ACL is 19,313 lb (8,760 kg), round weight.

This temporary rule establishes in-season AMs for blueline tilefish to prevent these catch limits from being exceeded. If commercial landings for blueline tilefish reach or are projected to reach the commercial ACL, NMFS will file a notification with the Office of the Federal Register to close the commercial sector for blueline tilefish for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of blueline tilefish would be prohibited and harvest or possession of blueline tilefish in or from the South Atlantic EEZ would be limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters. If recreational landings for blueline tilefish reach or are projected to reach the recreational ACL, NMFS will file a notification with the Office of the Federal Register to close the recreational sector for blueline tilefish for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit of blueline tilefish in or from the South Atlantic EEZ would be zero. This bag and possession limit would also apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters. This temporary rule does not establish post-season AMs for blueline tilefish as post-season AMs are ineffective for temporary actions as any changes to the regulations can only be in effect for a limited time.

The current complex-level in-season and post-season commercial and recreational AMs remain in place for the remaining species within the deep-water complex (composed of yellowedge grouper, silk snapper, misty grouper, queen snapper, sand tilefish, black snapper, and blackfin snapper). If commercial landings for the deep-water complex, as estimated by the SRD, reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for this complex for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of deep-water complex species is prohibited and harvest or possession of these species in or from the South Atlantic EEZ would be limited to the bag and possession limit. This bag and possession limit would apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters. Additionally, if commercial landings for the deep-water complex exceed the ACL, and at least one of the species in the deep-water complex is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the overage in the prior fishing year. For the recreational sector, if recreational landings for the deep-water complex exceed the recreational ACL then during the following fishing year, recreational landings would be monitored for a persistence in increased landings and, if necessary, NMFS would reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year.

Classification

This action is issued pursuant to section 305(c) of the Magnuson-Stevens Act, 16 U.S.C. 1855(c). The Assistant Administrator for Fisheries, NOAA (AA), has determined that this temporary rule is based upon the best scientific information available, is necessary for the conservation and management of the blueline tilefish component of the snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws, subject to further consideration after public comment.

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

The AA finds good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B). Providing prior notice and opportunity for public comment on this action would be contrary to the public interest. The blueline tilefish stock in the South Atlantic was assessed through SEDAR 32 in 2013. The assessment indicates that the stock is overfished and is undergoing overfishing. NMFS is implementing this emergency action to reduce overfishing of blueline tilefish while permanent management measures and regulations are being developed. The reduced ACLs for blueline tilefish and in-season AMs must be implemented immediately to minimize adverse biological effects to the blueline tilefish stock and long-term adverse socio-economic effects to fishermen and fishing communities that utilize the blueline tilefish portion of the snapper-grouper fishery. Continued harvest at levels similar to the 2012 landings would negatively affect the health of the blueline tilefish stock. More severe long-term reductions in harvest may be required if emergency action is not taken and the unsustainable harvest continues to reduce the blueline tilefish biomass. The fishing season opened January 1, 2014. In order to have an impact on reducing overfishing of blueline tilefish during the current fishing season, the new commercial and recreational ACLs and AMs for blueline tilefish must become effective immediately.

For the reasons listed above, the AA also finds good cause to waive the 30-day delay in effectiveness of the action under 5 U.S.C. 553(d)(3).

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are inapplicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

List of Subjects in 50 CFR Part 622

Blueline tilefish, Deep-water complex, Emergency action, Fisheries, Fishing, South Atlantic.

Dated: April 11, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.193, paragraph (h) is suspended and paragraphs (z) and (aa) are added to read as follows:

§ 622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(z) *Deep-water complex (including yellowedge grouper, silk snapper, misty grouper, queen snapper, sand tilefish, black snapper, and blackfin snapper)*—(1) *Commercial sector*—(i) If commercial landings for the deep-water complex, as estimated by the SRD, reach or are projected to reach the commercial ACL of 60,371 lb (27,384 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for this complex for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of deep-water complex species is prohibited and harvest or possession of these species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings exceed the ACL, and at least one of the species in the deep-water complex is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the overage in the prior fishing year.

(2) *Recreational sector.* If recreational landings for the deep-water complex, as estimated by the SRD, exceed the recreational ACL of 19,313 lb (8,760 kg), round weight, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

(aa) *Blueline tilefish*—(1) *Commercial sector.* If commercial landings for the blueline tilefish, as estimated by the SRD, reach or are projected to reach the commercial ACL of 112,207 lb (50,896 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of blueline tilefish is prohibited and harvest or possession of blueline tilefish in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(2) *Recreational sector.* If recreational landings of blueline tilefish, as estimated by the SRD, reach or are projected to reach the recreational ACL of 111,893 lb (50,754 kg), round weight, then the AA will file a notification with the Office of the Federal Register to close the recreational sector for blueline tilefish for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit of blueline tilefish in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

[FR Doc. 2014–08724 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130808694–4318–02]

RIN 0648–BD37

Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Commercial Groundfish Fishery Management Measures; Rockfish Conservation Area Boundaries for Vessels Using Bottom Trawl Gear

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

ACTION: Final rule.

SUMMARY: This final rule will implement revisions to the boundaries of the Rockfish Conservation Area (RCA) that is currently closed to vessels fishing groundfish with bottom trawl gear. This rule will affect the limited entry bottom trawl sector managed under the Pacific Coast Groundfish Fishery Management Plan (FMP) by liberalizing RCA boundaries to improve access to target species.

DATES: Effective on April 17, 2014.

ADDRESSES: NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is summarized in the Classification section of this final rule. NMFS also prepared an Initial Regulatory Flexibility Analysis (IRFA) for the proposed rule. Copies of the IRFA, FRFA the Small Entity Compliance Guide, and the Environmental Assessment (EA) NMFS prepared for this action are available from the NMFS West Coast Regional Office: William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; Attn: Colby Brady. This final rule also is accessible via the Internet at the Federal eRulemaking portal at *http://www.regulations.gov,* identified by NOAA–NMFS–2013–0134, or at the Office of the Federal Register Web site at *http://www.access.gpo.gov.* Background information and documents, including electronic copies of the Final Regulatory Flexibility Analysis (FRFA) prepared for this action may are available at the NMFS West Coast Region Web site at *http://www.westcoast.fisheries.noaa.gov/fisheries/management.html* and at the Council's Web site at *http://www.pcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Colby Brady, 206–526–6117; (fax) 206–526–6736; *Colby.Brady@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Since 2002 NMFS has used large-scale, depth-based closures to reduce catch of overfished groundfish, while still allowing the harvest of healthy stocks to the extent possible. RCAs are gear specific closures, and apply to vessels that take and retain groundfish species. Through this final rule, NMFS is changing portions of the boundaries defining the RCA that is closed to vessels fishing for groundfish with bottom trawl gear, or the ''trawl RCA.'' This rule will not change how the trawl RCA applies to vessels fishing for groundfish using bottom trawl gear; rather, it will only change the boundaries of the trawl RCA.

This final rule implements the RCA boundary modifications as recommend by the Pacific Fishery Management Council (Council), and as proposed at 78 FR 56641 (September 13, 2013), with the exception of the seaward boundary change between 45°46′ N. lat. and 40°10′ N. lat. NMFS originally proposed moving the seaward boundary line between 45°46′ N. lat. and 40°10′ N. lat. from a line approximating 200 fathoms (fm) (366-m) to a line approximating 150 fm (274-m), during periods 1–6 (note that the ''modified 200 fm (366-m)'' line, which is a version of the 200 fm (366-m) line modified to increase access to stocks such as petrale sole, is currently in place in periods 1 and 6). However, after considering comments received on the proposed rule and the record as a whole, NMFS has determined that there is an insufficient basis to proceed with the seaward boundary change between 45°46′ N. lat. and 40°10′ N. lat. prior to the conclusion of the Council's groundfish Essential Fish Habitat (EFH) review. Therefore, as explained more fully below, this rule maintains the seaward trawl RCA boundary between 45°46′ N. lat. and 40°10′ N. lat. as currently established through the 2013–2014 harvest specifications and management measures. 78 FR 580 (January 3, 2013). The remaining boundary changes are implemented as proposed.

A detailed description of the trawl RCA boundaries that NMFS proposed, and the alternative boundaries that NMFS considered in the EA, can be found in the proposed rule 78 FR 56641 (September 13, 2013), and in the tables below. The changes from the proposed rule are discussed more fully in the section titled ''Changes from Proposed Rule.''

Table 1: Status Quo Trawl RCA Boundaries (48°10' N. latitude to 40°10' N. latitude).

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
48°10' N. lat. - 45°46' N. lat.	75 fm line - modified 200 fm line	75 fm line - 150 fm line	100 fm line - 150 fm line			75 fm line - 150 fm line
45°46' N. lat. - 40°10' N. lat.		75 fm line - 200 fm line	100 fm line - 200 fm line			75 fm line - modified 200 fm line

Table 2: Council Recommended Trawl RCA Boundaries (Alternative 1) as proposed at 78 FR 56641.

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
48°10' N. lat. - 40°10' N. lat.	100 fm line - 150 fm line					

Table 3: Alternative 2, Considered in the EA and described further at 78 FR 56641.

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
48°10' N. lat. - 45°16' N. lat.	100 fm line - 150 fm line					
45°46' N. lat. - 40°10' N. lat.	100 fm line - modified 200 fm line					

Changes From the Proposed Rule

As mentioned above, the only change from the proposed rule is maintaining the status quo seaward boundary line between 40°10′ N. latitude to 45°46′ N. latitude. This final rule implements trawl RCA boundaries as follows, and as reflected in table 4:

- Shoreward 100 fm (183-m)(year-round) between 40°10′ N. latitude to 48°10' N. latitude, and;
- Seaward 150 fm (274-m)(year-round) north of 45°46′ N. latitude to 48°10′ N. latitude, and;
- Seaward 200 fm (366-m) between 40°10′ N. latitude to 45°46′ N. latitude during periods 2–5, and modified 200 fm (366-m) in periods 1 and 6 (i.e., status quo).

Table 4: RCA boundaries implemented through this final rule.

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
48°10' N. lat. - 45°46' N. lat.	100 fm line- 150 fm line					
45°46' N. lat. - 40°10' N. lat.	Shoreward 100 fm line (Seaward line below)					
45°46' N. lat. - 40°10' N. lat.	Seaward modified 200 fm line	Seaward 200 fm line				Seaward modified 200 fm line

As described in the proposed rule, in addition to the Council recommended boundaries, NMFS considered and requested comments on alternative boundaries that were somewhat different from what the Council recommended in April 2013. The alternative trawl RCA boundaries would have been the same as the Council's recommended trawl RCA boundaries, except that they would have kept closed the area between the boundary line approximating the 150 fm (274-m) depth contour and the boundary line approximating the modified 200 fm (366-m) depth contour off Southern Oregon and Northern California (between 40°10′ N. latitude to 45°46′ N. latitude); this area has been largely closed to groundfish bottom trawling since 2004 and would have been opened under the initial recommendations of the Council from its April 2013 meeting.

At the Council's September 12–17, 2013 meeting in Boise, Idaho, NMFS consulted with the Council and provided additional information from the draft EA regarding the alternative boundaries. After considering the information NMFS presented, reports from the Council's advisory bodies, and public comment, the Council reaffirmed its recommendation to modify the trawl RCA boundaries as originally proposed.

After reviewing public comment on the proposed rule, information being developed through the Council's groundfish EFH review, the Council's recommendations, and the EA for this action, NMFS has determined that there is an insufficient record to conclude that the seaward boundary modification between 45°46′ N. lat. and 40°10′ N. lat., as originally proposed, minimizes adverse effects on groundfish EFH caused by fishing to the extent practicable. Therefore, NMFS is not implementing that seaward boundary change at this time.

NMFS and the Council initially established trawl RCAs to minimize catch of overfished species while still allowing the harvest of target stocks to the extent possible. Despite the fact that the trawl RCAs were not established to serve as habitat protection, the seaward areas between 45°46′ N. lat. and 40°10′ N. lat., between the 150 fm (274-m) and modified 200 fm (366-m) lines have largely been closed since 2004. The EA for this action indicates that this is the only large-scale area that would be opened under the originally proposed boundaries where benthic habitats may have, to some extent, recovered from previous groundfish bottom trawling impacts.

The Council's ongoing groundfish EFH review will likely address whether any changes to EFH designations or measures to minimize adverse effects to the extent practicable are warranted. This includes consideration of whether areas currently closed year-round to groundfish bottom trawling by the RCAs should receive additional protection through management measures designed to minimize to the extent practicable adverse effects on groundfish EFH caused by fishing. During the public comment period for the proposed rule, it became evident that some of the groundfish EFH proposals that may be considered by the Council during its review include proposals for new EFH conservation areas within the portion of the RCA that has essentially been closed to groundfish bottom trawling year-round since 2004. In light of that information, opening year-round closed areas to groundfish bottom trawling now, before the merits of those proposals have been considered and additional progress has been made on the groundfish EFH review, is premature. This final rule will only increase year-round access to areas that are already open to bottom trawling at some times during the year. NMFS and the Council have yet to determine whether groundfish EFH changes are warranted or practicable, but at its November 2013 and March 2014 meetings, the Council indicated its intent to continue with the EFH review process.

This final rule will increase year-round groundfish bottom trawl access to approximately 2,389 square miles of fishing grounds in a fishery where participants are motivated by Individual Fishing Quota (IFQ) to keep bycatch of overfished species low, irrespective of trawl RCA boundaries. The increased access may enable higher attainment of available quota pounds for several valuable species that are currently not fully harvested, while still protecting overfished rockfish species.

The trawl RCA boundaries being implemented are expected to have a favorable economic impact on groundfish fishing vessels and for businesses and ports where groundfish are landed. The benefits of not opening the upper slope area between 45°46′ N. lat. and 40°10′ N. lat., compared to the majority of areas that will be opened are unknown at this time. Accordingly, the potential cost and safety benefits and the increased access to target stocks on the slope would be somewhat reduced as compared to the proposed boundaries. However, it would still be an overall improvement compared to not making any changes.

Finally, NMFS notes that at the Council's September 2013 meeting several industry groups and environmental nongovernmental organizations submitted a joint letter indicating their intent to collaborate on long term RCA proposals (Agenda Item G.9.d, Supplemental Public Comment 2). That effort, coordinated with the ongoing EFH review, could provide one option for considering the catch control aspects of RCAs along with the habitat aspects, potentially yielding increased access to fishing grounds while continuing to protect areas with extremely sensitive habitat or unacceptably high bycatch risks.

Comments and Responses

NMFS solicited public comment on the trawl RCA proposed rule (78 FR 56641, September 13, 2013). The comment period ended October 15, 2013. NMFS received five letters of comments on the proposed rule submitted by individuals or organizations.

Comment 1: Bottom trawl gear should be declared illegal. Trawl gear exacerbates the problem of whales and other large ocean fish becoming entangled in lines. Instead of opening

the trawl RCAs, NMFS should consider expanding them.

Response: This rule does not affect the types bottom trawl gear allowed in the Pacific coast groundfish fishery, it only affects where vessels may fish with that gear. NMFS disagrees with the commenter that bottom trawl gear should be declared illegal. Bottom trawl gear is particularly efficient at targeting high volumes of species such as various flatfish (e.g., dover sole, English sole), roundfish such as Pacific cod, and other healthy bottom dwelling species such as thornyhead species; all of which are more inefficiently harvested with other groundfish gears. Therefore, groundfish bottom trawl gear can offer substantial benefits to the Nation in terms of providing consistent healthy protein supply and economic benefits when carefully managed. In addition, entanglements with marine mammals or other large ocean fish are comparatively rare in the groundfish bottom trawl fishery. For example, the groundfish bottom trawl fishery is considered a Category III fishery under the Marine Mammal Protection Act, indicating a remote likelihood of or no known serious injuries or mortalities to marine mammals. *See* 78 FR 73477 (December 6, 2013), which may have been updated prior to publication of this final rule.

With respect to expanding RCAs, NMFS notes that expansion of trawl RCAs continues to be an option available to the Council and NMFS through inseason modifications to the Code of Federal Regulations if needed. However, the purpose of this rule includes increasing access to target stocks, not reducing access.

Comment 2: The rule as proposed (Alternative 1) provides increased access to target stocks and better achieves optimum yield, consistent with National Standard 1 of the Magnuson Stevens Fishery Conservation and Management Act (MSA). The rule as proposed will provide vessels opportunities seaward of the RCAs to catch target species, primarily Dover Sole.

Response: NMFS agrees that the Council's recommendation as contained in the proposed rule would provide IFQ vessels fishing with bottom trawl gear increased access to target species catch, including Dover sole. However, even in the most uninhibited regulatory scenarios, attainment of all groundfish ACLs is affected by natural inter-annual ecosystem changes, market priorities, and other business realities. This final rule will still allow some increased opportunities seaward of the RCA North of 45°46′ N. latitude, will liberalize all of the shoreward RCA boundaries as recommended by the Council, and is consistent with National Standard 1. The trawl RCA boundaries being implemented are expected to have a favorable economic impact on groundfish fishing vessels and for businesses and ports where groundfish are landed. Moreover, additional refinements of RCA boundaries can still occur once habitat and other aspects associated with opening long-term RCA closures have been addressed.

Comment 3: Under the IFQ program, the Pacific groundfish trawl fishery operates with enhanced monitoring and individual accountability. Bycatch of overfished species and discard of target species has decreased dramatically from pre-IFQ years, as noted by NMFS own scientists. Therefore the boundaries as proposed in the rule will not create problems with increased catch of overfished species. The risk of exceeding bycatch of overfished species is minimal given the draft EA results and the IFQ program. The chances of an overfished species ''lightning strike'' are slim to none, as evidenced by NMFS' trawl surveys, which fish in these areas and presumably do not try to avoid overfished species. If NMFS believes the IFQ system has not been responsible for reducing bycatch, then NMFS must immediately direct the Council to end the IFQ program.

Response: NMFS agrees with the commenter that the IFQ program has been very effective at reducing bycatch of some overfished species. NMFS also agrees that increased bycatch of overfished species as a result of this rule, either as proposed or as implemented, is unlikely to result in exceeding annual catch limits. However, NMFS notes that at some point a large unanticipated tow of overfished species may occur, and management measures are in place for action should the Council and NMFS need to respond. Regarding NMFS' trawl surveys, although those vessels are not actively trying to avoid certain rockfish species, and survey activities have not resulted in high overfished species catch events that would threaten continued commercial activities, the scientific surveys have dramatically different aims than that of commercial vessels. Trawl surveys typically use 15 minute tows, while commercial bottom trawl gear deployments of 3–6 hours are common, and may even exceed that, in which case undesired bycatch events of overfished species may be more likely to occur.

Comment 4: There is no reason to keep RCA areas closed until habitat areas of particular concern (HAPC) are modified. When the Council established its first groundfish HAPC designations, it included areas that had been subjected to extensive trawling. If the Council determines through the groundfish EFH review that all or a portion of the RCA that will be opened under this rule deserves additional protection, the Council can still do that later through the existing process. In addition, the RCA being considered in the proposed rule has been subject to trawling prior to the establishment of the RCA and restrictions on trawl gear use. The area has also been subject to fishing by other bottom contact gears and research surveys. This is not virgin wilderness that has been and should remain untouched. NMFS should implement the rule as proposed. Furthermore, EFH concerns are not the intent of RCAs, which were implemented to reduce catch of rebuilding rockfish stocks, and EFH should not be considered when deciding whether to liberalize RCAs.

Response: NMFS agrees that benthic habitat that would be exposed to groundfish bottom trawling by opening the seaward areas between 45°46′ N. lat. and 40°10′ N. lat. has likely been impacted to some degree in the past. NMFS further acknowledges that prior to the closure of these areas, substantially less restrictive trawl gear regulations were in place. Historical bottom trawl gear types were more destructive to sensitive habitat than current bottom trawl gear restrictions. Current restrictions have reduced incentives to deploy bottom trawl gear in hard and mixed substrate areas, particularly high-relief hard pinnacle areas where the greatest abundance of sensitive biogenic habitat (corals and sponges) are found. NMFS also agrees that the seaward areas between 45°46′ N. lat. and 40°10′ N. lat. have been subject to fishing by other gear types and some limited trawling activity by NMFS' scientific surveys.

Nevertheless, the seaward areas between 45°46′ N. lat. and 40°10′ N. lat., between the 150 fm (274-m) and modified 200 fm (366-m) line have largely been closed to groundfish bottom trawling since 2004, and the other gear types and survey activities have relatively lower impacts to benthic habitats. The EA indicates that this area is more likely than others to have recovered from the impacts of groundfish bottom trawling. In fact, this area may currently have greater conservation value than portions of the actual ''core'' RCA (between the 100 fm and 150 fm lines, 183-m and 274-m). That core RCA has been closed to groundfish bottom trawling since at least 2003, but some of the areas are

currently impacted by pink shrimp bottom trawl gear, whereas the seaward areas between 45°46′ N. lat. and 40°10′ N. lat., between the 150 fm (274-m) and modified 200 fm (366-m) are not. The recovery estimates provided in the 2005 EFH Environmental Impact Statement and subsequent 2012 and 2013 EFH review reports (excluding coral and sponge regeneration/recovery time) support NMFS' conclusion that this area has had some opportunity to recover from trawling impacts.

NMFS agrees that the trawl RCAs were implemented primarily to reduce the catch of rebuilding rockfish stocks by closing off areas to bottom trawl activity where those species of concern were found in higher densities or where larger bycatch events had previously occurred. However, when long term closures such as the seaward area at issue have allowed for some level of habitat recovery, NMFS must take that into account.

While it is true that the Council and NMFS adopted EFH conservation areas through Amendment 19 encompassing habitat that had been previously been trawled, opening the seaward area between 45°46′ N. lat. and 40°10′ N. lat., between the 150 fm (274-m) and modified 200 fm (366-m) line now has the potential to adversely impact habitat that has partially recovered, prior to the Council considering whether additional protections are warranted. Doing so could negate some of the recovery that has occurred. At its November 2013 meeting, the Council decided to move forward with phase III of its groundfish EFH review after determining that there was sufficient new information to warrant continuing evaluation of its existing groundfish EFH designations. Liberalizing the seaward RCA boundary between 40°10′ N. latitude and 45°46′ N. latitude, between the 150 fm (274-m) and modified 200 fm (366-m), may ultimately be consistent with the Council's EFH responsibilities. This rulemaking did not address the question of whether any of the seaward areas between 45°46′ N. lat. and 40°10′ N. lat. and the 150 fm (274-m) and modified 200 fm (366-m) lines, should ultimately receive additional protection through management measures designed to minimize, to the extent practicable, adverse effects on EFH from fishing. It did, however, highlight that additional analysis of this area is needed. Prior to the completion of the phase III review of EFH proposals, or additional consideration of whether practicable measures exist that could minimize impacts of bottom trawling between 40°10′ N. latitude and 45°46′ N. latitude and the 150fm (274-m) and modified 200fm (366-m) RCA lines, NMFS believes there is an insufficient basis to open this year-round closed area to bottom trawling.

Comment 5: The proposed rule provides increased harvest opportunities consistent with National Standards 5, 7, and 8 by considering efficiency in the utilization of fishery resources, minimizing costs, and taking into account the importance of fishery resources to fishing communities. The costs for participating in the west coast groundfish fishery continue to increase with the pending 3 percent cost recovery fee, the annual 5 percent buyback loan payments, state landing taxes, observer costs, and the possible implementation of the adaptive management program that could reduce 10 percent of the available quota pounds. Harvesters need the access to fishing grounds allowed by the rule as proposed.

Response: NMFS is aware that fishermen have costs associated with the buyback repayment, state landing taxes, observer coverage, and cost recovery. However, participants in the IFQ program have already started realizing the benefits of the program even with these costs. Preliminary data from the mandatory economic data collection program compares data from 2009 and 2010 (pre-trawl rationalization) versus 2011 (post-trawl rationalization) (see Agenda Item F.2 from the Council's June 2013 meeting), and shows that when looking at net revenue, the fleet is still profitable even with increased costs (e.g., high fuel prices, observer costs). However, with only one year of data post-trawl rationalization, it is too early to make conclusions on the economic benefits of the program.

While buyback loan repayment is a cost to industry, the harvesters that remained and are now in the Shorebased IFQ program have benefitted from the buyback program. NMFS also understands that fishermen are petitioning Congress to approve legislation that would refinance the buyback loan, extending the term of the loan and capping the fee rate at three percent of ex-vessel value, down from five percent.

NMFS is evaluating whether electronic monitoring could reduce the cost of monitoring the fishery. With respect to the adaptive management program, it is unclear at this time how it will be structured or affect the fleet. Ultimately, this final rule will increase access to fishing grounds and is consistent with the National Standards.

Comment 6: The potential for gear conflicts resulting from liberalized RCAs was an issue raised at the Council's September 2013 meeting. However, fishing gears of various types are already in use throughout the area currently open to fishing with no indication that extensive gear conflicts are occurring. Allowing trawling in deeper water on the continental shelf out to 100 fathoms instead of the current 75 fathoms could actually reduce gear conflicts because there would be more area for vessels to operate.

Response: The Groundfish Advisory Subpanel and Groundfish Management Team considered the possibility of gear conflicts at the September 2013 Council meeting. By increasing the areas available to trawlers, including the deeper water on the continental shelf out to 100 fathoms, this final rule could potentially reduce concentration of gear between the trawl and fixed gear sectors in the areas where they currently overlap. Additionally, the shoreward boundary change could potentially reduce gear conflicts between crab and groundfish bottom trawl vessels. During public comment under this agenda item at the September Council meeting, trawl and fixed gear industry representatives commented and agreed with the above-mentioned assumptions. Any ancillary gear conflict consequences that might result from implementation of RCA boundary changes through this rule could likely be avoided through increased communications among vessels.

Comment 7: Alternative 2 in the EA falls short of providing meaningful access to healthy target species while the risks associated with both alternatives are virtually the same. The rule as proposed provides increased access to currently closed trawl RCA areas in a manner that allows trawl IFQ fishermen to continue to demonstrate the benefits of 100 percent accountability of catch and discards. Trawl RCAs are a relic of pre-IFQ management.

Response: NMFS agrees that trawl RCAs are to some extent a relic of pre-IFQ trawl fishery management, which depended largely on trip limits and area closures to control catch in the groundfish trawl fishery. On the other hand, RCAs can still serve as an additional tool for controlling catch in areas with unacceptably high bycatch risks. NMFS also agrees that increased access to currently closed trawl RCA areas allows trawl IFQ fishermen to continue to demonstrate the benefits of the program, including individual accountability of catch and discards.

However, NMFS disagrees that the trawl RCA boundaries implemented through this final rule fall short of

providing meaningful access to healthy target species. This final rule provides approximately 2,389 square miles of additional year-round access to groundfish compared to taking no action (similar to Alternative 2 considered in the EA, which provide increased year-round access to approximately 2,600 square miles). This is still a meaningful increase in access to fishing grounds. Both the rule as proposed and the boundaries as implemented would provide more benefit than the no-action alternative. This increased access should provide greater access to healthy groundfish stocks, which could improve efforts to more fully attain harvest levels. The Council and NMFS can still consider additional modifications to trawl RCA boundaries in the future in manner that addresses the catch control aspects of RCAs along with the habitat aspects.

With respect to the risks associated with the different trawl RCA boundary configurations, NMFS notes that while the EA determined that the boundaries as proposed presented relatively little risk of greatly increased overfished species catch, the trawl RCA boundaries implemented through this final rule would not increase access beyond the seaward line of the current RCA between 45°46′ N. lat. and 40°10′ N. lat. Therefore, to the extent there are any increased impacts to overfished species by opening new fishing areas, they are expected to be lower in frequency and magnitude under this final rule, particularly for slope species, than under the proposed action.

Comment 8: NMFS should not implement the rule as proposed. The draft EA makes several erroneous assertions about past impacts to benthic habitat, arguing that the degraded baseline state of the benthic environment means that the impacts from opening the RCA to groundfish bottom trawling will be relatively lower. Illegal incursions into the RCA, fishing by other gears and fisheries, NMFS' trawl surveys, and pre-RCA trawling do not mean that the rule as proposed will have insignificant impacts. Most of these activities are relatively less harmful to benthic habitat, but trawl nets still bring up sponges and corals even in areas frequently trawled, as evidenced by NMFS West Coast Groundfish Observer Program (WCGOP) bycatch data.

Response: NMFS disagrees that prior impacts to benthic habitat in the RCAs are irrelevant to assessing the state of the affected environment and the types of impacts that could be anticipated from opening up areas to groundfish bottom trawling. The EA demonstrates that various activities have impacted benthic habitat in the past, including those activities mentioned by the commenter. NMFS agrees that fixed gear is generally ranked lower with respect to overall benthic habitat impacts when compared to bottom trawl gear. However, fixed gear is particularly adept at accessing some rocky areas such as hard/mixed rocky pinnacles with substantially less risk of damage to fishing gear, as compared to bottom trawl gear. Fixed gear impacts, in practice, can be greater in areas that bottom trawl vessels actively avoid or are considered untrawlable. NMFS also notes that although coral and sponges are present in trawlable habitat of all substrate types (soft, medium, hard), the magnitude of coral and sponges generally increases in hard areas that are untrawlable, and in which other fixed gear types are actively engaged in fishing activities.

Ultimately, recognizing the degree of previous and ongoing impacts to benthic habitat within the RCA boundaries under consideration contributed to NMFS' conclusion that the upper slope area should remain closed, at least until additional groundfish EFH consideration has occurred. The area between 40°10′ N. latitude and 45°46′ N. latitude and the 150fm (274-m) and modified 200fm (366-m) RCA lines has not been trawled in almost a decade by groundfish bottom trawl gear, and in practice is not trawled by pink shrimp trawl gear. As such, this area has at least partially recovered from the relatively more substantial trawl impacts, despite still being subjected to fixed gear effort and occasional research trawls or inadvertent incursions.

In addition, while intensive trawling from the 1970s through early 2000s likely did destroy a significant amount of biogenic habitat, NMFS agrees that any assumption that none remains would be unwarranted and that NMFS bottom trawl survey and WCGOP data show coral and sponge bycatch, even in areas of high fishing effort. Trawling effort is heterogeneously distributed, with some areas trawled repeatedly and others less often or in some cases not at all. Ultimately, NMFS concluded that the RCA boundaries implemented through this final rule will not significantly affect the quality of the human environment. All of the additional areas opened through this rule are currently subjected to groundfish bottom trawling at some point during the year. This rule would only change the boundaries to allow year-round access.

Comment 9: The proposed rule could have significant impacts on corals, sponges, and other marine life. Removal by bottom trawling of slow growing corals could cause long-term changes in associated megafauna, which provide shelter and food sources for juvenile fish and shellfish. Corals, sponges, and Pennantulacea (sea whips and sea pens) also create three-dimensional structures that form habitat for bottomfish, shellfish, invertebrates, and other marine life, and impacts by bottom trawling may impact fish stocks. Some corals may live in excess of 2,000 years, some sponges may be over 220 years old, and some mounds formed by sponges appear have been estimated to be between 9,000 to 125,000 years old. NMFS needs to consider impacts to biogenic habitat in conjunction with impacts to substrate. The impacts to ocean floor substrate and impacts to biogenic habitat such as corals and sponges may be different.

Response: NMFS agrees that corals, sponges, and Pennantulacea (sea whips and sea pens) have the potential to create three-dimensional structures that form habitat for marine life, and impacts by bottom trawling may have an impact on fish stocks. This was considered in the EFH synthesis review documents that informed the EA associated with this final rule. As the EA points out, recolonization and recovery rates and recovery times may be greater than 100 years for deep-sea corals. NMFS agrees that some corals may live in excess of 2,000 years, some sponges may be over 220 years old, and that some mounds formed by sponges appear to have been estimated to be between 9,000 to 125,000 years old. However, many of these habitats and mounds are particularly inaccessible to bottom trawl gear given current gear restrictions. In addition, all of the areas opened through this rule are currently subjected to groundfish bottom trawling at some point during the year.

NMFS agrees that impacts to ocean floor substrate and impacts to biogenic habitat, such as corals and sponges, may be different and that the physical environment of the seafloor is formed by the combination of invertebrates with sediment structures. NMFS fully considered the physical environment of the seafloor formed by the combination of invertebrates with sediment structures in the EA for this action. The recovery tables and other information provided by the EFH habitat synthesis review products are utilized in the EA, which considers impacts to biogenic habitat in conjunction with impacts to substrate types. Citing recovery times from those reviews, the EA specifically

excludes structure-forming invertebrates in the recovery table, and qualifies the limitations of biogenic habitat recovery estimates regarding the available analysis. Although the recovery tables in the EA are mostly relevant to seafloor areas lacking biogenic habitat, impacts to biogenic habitat such as corals, sponges, and sea whips/pens are explained elsewhere in detail in the EA (as well as in the 2005 EFH EIS and recent EFH synthesis analysis review documents). NMFS notes that the majority of scientific peer-reviewed literature on biogenic habitat abundance suggests that the abundance of slow growing epibenthic coral and sponge fauna tends to be greater in mixed/hard and hard substrates, as opposed to soft sand and mud habitat. Soft sandy/mud habitat is estimated to comprise over 90 percent of groundfish habitat substrate within all RCA areas, including those that will remain closed after this final action. This rule would only change the boundaries to allow year-round access. NMFS disagrees that this rule will have significant impacts.

Comment 10: Trawl vessels do not avoid hard and mixed substrate sufficiently to mitigate impacts to areas with coral or sponge. The rule as proposed will allow trawling in areas with mixed and hard substrate and adversely impact corals and sponges.

Response: NMFS agrees that not all areas of hard and mixed substrate are untrawlable or actively avoided by vessels, and that trawling has the potential to impact corals and sponges when encountered. However, as the commenter acknowledged, at least some areas may be avoided due to potential negative impacts on trawl gear. Despite the fact that trawl vessels do tow over some trawlable smooth hard and mixed substrates, some high relief areas are considered untrawlable because of the potential for severe damage to trawl gear. These areas provide a financial and safety disincentive for vessels to engage in trawling, regardless of RCA configuration.

Comment 11: The proposed rule raises doubts about the adequacy of the existing measures to protect groundfish EFH habitat from the adverse effects caused by fishing to the extent practicable, as required by the MSA.

Response: As described earlier in the preamble to this final rule, after reviewing public comment on the proposed rule, information developed through the Council's groundfish EFH review, the Council's recommendations, and the EA for this action, NMFS has determined that additional consideration regarding the impacts of the seaward boundary modification on groundfish EFH between 45°46′ N. lat. and 40°10′ N. lat., between the 150 fm (274-m) and modified 200 fm (366-m) is warranted. Therefore, NMFS is not implementing that seaward boundary change at this time.

Comment 12: Changes to the RCA should be made through a comprehensive coastwide process in coordination with revisions to EFH.

Response: NMFS agrees that addressing changes to RCAs and revisions to EFH in a more coordinated and comprehensive manner could have some benefits. However, there are numerous procedural avenues available to the Council and NMFS that could accomplish these goals. As mentioned previously, at the Council's September 2013 meeting several industry groups and environmental nongovernmental organizations submitted a joint letter indicating their intent to collaborate on long term RCA proposals (Agenda Item G.9.d, Supplemental Public Comment 2). That effort, coordinated with the ongoing EFH review, could provide one option for considering the catch control aspects of RCAs along with the habitat aspects.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Pacific Coast Groundfish FMP, other provisions of the MSA, and other applicable law. To the extent that the regulations in this final rule differ from what was deemed by the Council, NMFS invokes its independent authority under 16 U.S.C. 1855(d).

An Environmental Assessment (EA) was prepared for this action. The EA includes socio-economic information that was used to prepare the RIR and FRFA. A copy of the final EA is available online at *www.westcoast.fisheries.noaa.gov.*

NMFS finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d), so that this final rule may become effective April 17, 2014. This rule reduces regulatory restrictions by allowing trawl vessels access to areas previously closed to fishing at certain times during the year. Failure to waive the 30-day delayed effectiveness would result in missed opportunities for trawl vessels to increase profits by attempting to increase their catch of healthy fish stocks that are under harvested. Implementing this rule quickly will allow these additional fishing opportunities during the months of March and April that would otherwise be forgone. Moreover, this rule adds no requirements, duties, or obligations on the affected entities, and therefore they do not need time to modify their behavior to come into compliance with the rule. Accordingly, NMFS finds good cause to waive the delay in effectiveness.

A Regulatory Impact Review (RIR) was prepared on the action and is included as part of the final regulatory flexibility analysis (FRFA) on the regulatory changes. The FRFA and RIR describe the impact this rule will have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the FRFA is available from NMFS (see **ADDRESSES**) and a summary of the FRFA, per the requirements of 5 U.S.C. 603(a), follows:

The trawl RCA is an area is closed to vessels fishing groundfish with bottom trawl gear. This action would revises the bimonthly boundaries of the RCA that is closed to vessels fishing groundfish with bottom trawl gear. This rule affects the limited entry bottom trawl sector managed under the Pacific Coast Groundfish FMP. This RCA was designed to prevent the fleet from exceeding harvest quotas when fishing under trip limits. Since the implementation of the IFQ program, the industry has shown a remarkable ability to avoid bycatch. Therefore, the industry is seeking a reduction in the RCA area so that it can have a greater chance to fish more of their individual quotas.

NMFS considered three alternative RCA boundary configurations, as described above, and the RCA boundaries of Alternative 1 as modified in this final rule. The alternative considered were: The current trawl RCA boundaries for 2014 (no action), the Council recommended proposed trawl RCA boundaries between 48°10′ N. lat. and 40°10′ N. lat., (Alternative 1, Table 1), alternative trawl RCA boundaries between 48°10′ N. lat. and 40°10′ N. lat. added by NMFS (Alternative 2, Table 2), and the proposed trawl RCA boundaries between 48°10′ N. lat. and 40°10′ N. lat., as recommended by the Council in April 2013 with no seaward action between 45°46′ N. lat. and 40°10′ N. lat.

The amount of increased catch and reduced costs resulting from the proposed alternatives is not known due to limitations of the available data and models. However, the regulatory changes associated with Alternative 1, Alternative 2, and Alternative 1 as modified will have positive economic effects including reduced fuel, improved safety, and increased access to important target species. Overall, the most likely potential impacts are higher

attainments of the trawl allocations than would be expected under the No-Action alternative. Alternative 1 as implemented in this final rule is slightly more restrictive than Alternative 2; Alternative 2 is more restrictive compared to the non-implemented Alternative 1; Alternative 2 opens some areas that have been intermittently closed, but not as much new areas as Alternative 1 as proposed would have done.

This rulemaking directly affects bottom trawlers participating in the IFQ fishery. To fish in the IFQ fishery, a vessel must have a vessel account. As part of this year's permit application processes for the non-tribal fisheries, applicants indicate if they are ''small'' business based on a review of the Small Business Administration (SBA) size criteria. These criteria have recently changed. On June 20, 2013, the SBA issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398, June 20, 2013). The rule increased the size standard for Finfish Fishing from $ 4.0 to 19.0 million, Shellfish Fishing from $ 4.0 to 5.0 million, and Other Marine Fishing from $4.0 to 7.0 million (Id. at 37400-Table 1). Based on the new size standard ($19 million), NMFS reassessed those businesses considered large under the old size standard ($4 million) based on information provided by these companies under the NMFS Northwest Fisheries Science Center's (NWFSC) Economic Data Collection Program. After taking into account NWFSC economic data, NMFS permit and ownership information, PacFIN landings data for 2012, and affiliation between entities, NMFS estimates that there are 66 entities affected by these proposed regulations, of which 56 are ''small'' businesses. As noted below, these small entities are not negatively impacted by this rule.

There were no significant issues raised by the public comments in response to the IRFA. Several comments to the proposed rule had economic content (see especially Comments 2, 3, and 5 and associated responses of the Final Rule.) Based upon comments explained above in the preamble, NMFS is implementing Alternative 1 with the exception of the seaward boundary change between 45°46′ N. lat. and 40°10′ N. lat., to provide IFQ participants with the increased flexibility to attain underutilized target species.

This final rule will increase access to fishing grounds in a fishery where the individual accountability of the IFQ program has a three-year track record of providing strong incentives to keep bycatch of overfished species low, irrespective of trawl RCA boundaries. The changes to the trawl RCA boundaries would continue to refine groundfish fishery management measures to enable higher attainment of available quota pounds for several valuable species, while still protecting overfished species. The EA demonstrates that the upper slope area benthic habitat between 45°46′ N. latitude to 40°10′ N. latitude, 150 to 200 fm, which would be opened under the Council-preferred Alternative 1, may have experienced some recovery from the effects of bottom trawling. This area has been closed to bottom-trawl gear impacts for almost a decade. NMFS has determined that the area between 45°46′ N. latitude to 40°10′ N. latitude, from the 150 fm to modified 200 fm lines should remain closed pending completion of the groundfish EFH review or additional consideration of whether opening that area is consistent with minimizing the adverse effects on groundfish EFH caused by fishing to the extent practicable. However, this final rule will still increase year-round access to areas that are already open to bottom trawling at some times during the year. This rule opens up approximately 2,389 square miles of additional year-round access to the bottom trawl fleet compared to taking no action.

Accordingly, NMFS believes that this rule will have a positive impact on small entities and will not have significant adverse economic impacts on a substantial number of small entities.

This final rule was developed after meaningful collaboration, through the Council process, with the tribal representative on the Council.

No Federal rules have been identified that duplicate, overlap, or conflict with the final action. Public comment is hereby solicited, identifying such rules.

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

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian fisheries.

Dated: April 11, 2014.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 773 *et seq.*

■ 2. Table 1 (North) to part 660, subpart D, is revised to read as follows:

Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 02012014

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[1/]:						
1	North of 48°10' N. lat.	shore - modified[2/] 200 fm line[1/]	shore - 200 fm line[1/]	shore - 150 fm line[1/]		shore - 200 fm line[1/]	shore - modified[2/] 200 fm line[1/]
2	48°10' N. lat. - 45°16' N. lat.	100 fm line[1/] - 150 fm line[1/]					
3	45° 10' N. lat. - 40°10' N. lat.	Shoreward 100 fm line (Seaward line below)[1/]					
4	45° 10' N. lat. - 40°10' N. lat.	Seaward modified[2/] 200 fm line[1/]	Seaward 200 fm line[1/]				Seaward modified[2/] 200 fm line[1/]

Selective flatfish trawl gear is required shoreward of the RCA; all bottom trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope and small footrope trawl gears (except for selective flatfish trawl gear) are prohibited shoreward of the RCA. Midwater trawl gear is permitted only for vessels participating in the primary whiting season. **Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 1 (North) and 1 (South) to Part 660, Subpart E.**

See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70-660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

3	**Minor nearshore rockfish & Black rockfish**	300 lb/ month
4	**Whiting**	
5	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.
6	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.
7	**Cabezon**	
8	North of 46°16' N. lat.	Unlimited
9	46°16' N. lat. - 40°10' N. lat.	50 lb/ month
10	**Shortbelly**	Unlimited
11	**Spiny dogfish**	60,000 lb/ month
12	**Longnose skate**	Unlimited
13	**Other Fish [3/]**	Unlimited

TABLE 1 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.

3/ "Other fish" are defined at § 660.11 and include sharks (except spiny dogfish), skates (except longnose skate), ratfish, morids, grenadiers, and kelp greenling.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

[FR Doc. 2014–08732 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 74
Thursday, April 17, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0235; Directorate Identifier 2013–NM–249–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company 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 The Boeing Company Model DC–8–55, DC–8F–54, and DC–8F–55 airplanes, Model DC–8–60 series airplanes, Model DC–8–60F series airplanes, Model DC–8–70 series airplanes, and Model DC–8–70F series airplanes. This proposed AD was prompted by multiple reports of cracking of the upper aft skin panel of the fuselage. An evaluation by the design approval holder (DAH) indicates that the upper aft skin panel of the fuselage is subject to widespread fatigue damage (WFD). This proposed AD would require removing any previously installed local repairs; installing a full-length improvement modification with finger doublers or a full-length repair with finger doublers; and repetitive inspections for cracking of the doublers, and repair if necessary. We are proposing this AD to detect and correct fatigue cracking of the upper aft skin panel of the fuselage, which could result in loss of structural integrity and consequent rapid decompression of the airplane.

DATES: We must receive comments on this proposed AD by June 2, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.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–2014–0235; 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 Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Chandraduth Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Blvd., Suite 100, Lakewood, CA 90712–4137, phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0235; Directorate Identifier 2013–NM–249–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 because of 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

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as WFD. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent catastrophic failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that

DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this approach is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

During routine maintenance inspections, three operators reported finding cracks in the upper aft skin panel. The cracks were located along the upper row of rivets common to the longeron 28 skin splice, near the flat aft pressure bulkhead. Cracks were detected on airplanes that had accumulated between 27,072 and 46,176 total flight cycles. This cracking, if not corrected, could result in fatigue cracking of the upper aft skin panel of the fuselage, which could result in loss of structural integrity and consequent rapid decompression of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin DC8–53A080, Revision 2, dated September 18, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0235.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require removing previously installed local repairs; installing a full-length improvement modification with finger doublers, or a full-length repair with finger doublers; and doing repetitive detailed inspections or repetitive low frequency eddy current inspections for cracking along all four edges of the doublers, and corrective action if necessary.

Related Rulemaking

On March 9, 2008, we issued AD 2008–06–23, Amendment 39–15435 (73 FR 14378, March 18, 2008). AD 2008–06–23 provides an option to install full-length preventive modifications or full-length repairs, and requires repetitive inspections. Accomplishing these actions is a method of compliance with the requirements of paragraphs (g) and (h) of this proposed AD.

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin DC8–53A080, Revision 2, dated September 18, 2013, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Explanation of Compliance Time

The compliance time for the modification specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is modified before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 18 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
Full-length modification or repair.	Up to 184 work-hours × $85 per hour = $15,640.	Up to $14,720	Up to $30,360	Up to $546,480.
Inspection	9 work-hours × $85 per hour = $765 per inspection cycle.	$0	$765 per inspection cycle	$13,770 per inspection cycle.

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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2014–0235; Directorate Identifier 2013–NM–249–AD.

(a) Comments Due Date

We must receive comments by June 2, 2014.

(b) Affected ADs

This AD affects AD 2008–06–23, Amendment 39–15435 (73 FR 14378, March 18, 2008).

(c) Applicability

This AD applies to The Boeing Company airplanes identified in paragraphs (c)(1) through (c)(6) of this AD, certificated in any category, as identified in Boeing Alert Service Bulletin DC8–53A080, Revision 2, dated September 18, 2013.

(1) The Boeing Company Model DC–8–55 airplanes.

(2) The Boeing Company Model DC–8F–54 and DC–8F–55 airplanes.

(3) The Boeing Company Model DC–8–61, DC–8–62, and DC–8–63 airplanes.

(4) The Boeing Company Model DC–8–61F, DC–8–62F, and DC–8–63F airplanes.

(5) The Boeing Company Model DC–8–71, DC–8–72, and DC–8–73 airplanes.

(6) The Boeing Company Model DC–8–71F, DC–8–72F, and DC–8–73F airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by multiple reports of cracking of the upper aft skin panel of the fuselage. An evaluation by the design approval holder indicates that the upper aft skin panel of the fuselage is subject to widespread fatigue damage. We are issuing this AD to detect and correct fatigue cracking of the upper aft skin panel of the fuselage, which could result in loss of structural integrity and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) Modification or Repair

Before the accumulation of 45,400 total flight cycles, or within 72 months after the effective date of this AD, whichever occurs later: Remove any previously installed local repairs and install a full-length improvement modification with finger doublers or a full-length repair with finger doublers, as applicable, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin DC8–53A080, Revision 2, dated September 18, 2013. Installation of the full-length improvement modification or full-length repair with finger doublers, in accordance with paragraph (i) of AD 2008–06–23, Amendment 39–15435 (73 FR 14378, March 18, 2008), is a method of compliance with the requirements of paragraph (g) of this AD. Installation of a local repair as specified in paragraph (i) of AD 2008–06–23, does not comply with the requirements of paragraph (g) of this AD.

(h) Post-Modification or Post-Repair Repetitive Inspections

After accomplishing the actions required by paragraph (g) of this AD, at the applicable time and intervals specified in paragraph (h)(1) or (h)(2) of this AD: Do an external visual inspection or low frequency eddy current (LFEC) inspection for cracking along all four edges of the finger doublers, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin DC8–53A080, Revision 2, dated September 18, 2013. Repeat the inspections thereafter at the applicable time and interval specified in paragraphs (h)(1) or (h)(2) of this AD. Accomplishment of the applicable repetitive inspection specified in paragraph (j)(1) or (j)(2)(ii) of AD 2008–06–23, Amendment 39–15435 (73 FR 14378, March 18, 2008), is a method of compliance with the applicable inspection requirements of paragraph (h) of this AD.

(1) For an external visual inspection, within 30,000 flight cycles after doing the actions specified in paragraph (g) of this AD. Repeat the external visual inspection thereafter at intervals not to exceed 5,000 flight cycles.

(2) For an LFEC inspection, within 15,000 flight cycles after doing the actions specified in paragraph (g) of this AD. Repeat the LFEC inspection thereafter at intervals not to exceed 10,000 flight cycles.

(i) Cracking Repair

If any cracking is found during any inspection required by paragraph (h) of this AD: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(j) 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 Boeing Alert Service Bulletin DC8–53A080, dated June 22, 2004; or Boeing Alert Service Bulletin DC8–53A080, Revision 1, dated May 3, 2013. Boeing Alert Service Bulletin DC8–53A080, dated June 22, 2004, was previously incorporated by reference in AD 2008–06–23, Amendment 39–15435 (73 FR 14378, March 18, 2008). Boeing Alert Service Bulletin DC8–53A080, Revision 1, dated May 3, 2013, is not incorporated by reference in this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-REQUESTS@faa.gov*.

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

(l) Related Information

(1) For more information about this AD, contact Chandraduth Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Blvd., Suite 100, Lakewood, CA 90712–4137, phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.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 April 8, 2014.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08726 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0236; Directorate Identifier 2013–NM–184–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. This proposed AD was prompted by our determination of the need to incorporate new life limits for the main landing gear (MLG) barrel assembly, retraction actuator assembly linkage, and flange duct. This proposed AD would require revising the maintenance or inspection program to include the new life limits. We are proposing this AD to prevent reduced structural integrity of the airplane and possible loss of controllability of the airplane.

DATES: We must receive comments on this proposed AD by June 2, 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 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–2014–0236; 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–2014–0236; Directorate Identifier 2013–NM–184–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 2013–0210, dated September 11, 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:

> Some life limits previously defined in Revision 00 of A300 ALS [airworthiness limitations section] Part 1 have been removed [from] that document at Revision 01 and should normally be included in an ALS Part 4.
>
> At this time, there are no plans to issue an ALS Part 4 for A300 aeroplanes.
>
> Nevertheless, failure to comply with these life limits could result in an unsafe condition.
>
> For the reasons described above, it has been decided to require the application of these life limits through a separate [EASA] AD. Consequently, this [EASA] AD requires application of life limits applicable to Main Landing Gear (MLG) barrel assembly, retraction actuator assembly linkage assembly and flanged duct which were previously contained in Airbus ALS Part 1 Revision 00.
>
> *EASA AD 2007–0293* [which corresponds with *FAA AD 2009–18–15,* Amendment 39–16011 (74 FR 48143, September 22, 2009)], which required compliance with the actions specified in ALS Part 1, will be superseded by a new [EASA] AD, requiring compliance with ALS Part 1 at Revision 1.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0236.

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 AD requires 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 the procedures specified in paragraph (i)(1) of this AD. The request should include a description of changes to the required

inspections that will ensure the continued operational safety of the airplane.

Costs of Compliance

We estimate that this proposed AD affects 7 airplanes of U.S. registry.

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 $595, 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2014–0236; Directorate Identifier 2013–NM–184–AD.

(a) Comments Due Date

We must receive comments by June 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear; 36, Pneumatic.

(e) Reason

This AD was prompted by our determination of the need to incorporate new life limits for the main landing gear (MLG) barrel assembly, retraction actuator assembly linkage, and flange duct. We are issuing this AD to prevent reduced structural integrity of the airplane and possible loss of controllability of the airplane.

(f) Compliance

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

(g) Revise the Maintenance or Inspection Program

Within 90 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the life limits specified in Appendix 1 of this AD into the Airbus A300 ALS Part 1. The initial compliance time for the replacement is identified in Appendix 1 of this AD and is prior to the applicable life limits specified in Appendix 1 of this AD or within 90 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions and Intervals

After accomplishing the revision required by paragraph (g) 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 (i)(1) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, 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.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) issued European Aviation Safety Agency Airworthiness Directive 2013–0210, dated September 11, 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 Docket No. FAA–2014–0236.

(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.

BILLING CODE 4910–13–P

Appendix 1 to Docket No. FAA-2014-0236 – New Life Limits for the Main Landing Gear (MLG) Barrel Assembly, Retraction Actuator Assembly Linkage, and Flange Duct

(*) Whichever occurs first Notes are located under the assy title.		LIFE LIMITS (*)			LIFE LIMITS APPLICABILITY					
	Part Number	FH	LDG	Cal.	B2-1A B2-1C	B2K-3C B2-20x	B2-320	B4-2C B4-1xx	B4-3xx	C4-203 F4-203
RETRACTION ACTUATOR ASSEMBLY										
(1) When SB A300-32-0123 embodied before SB A300-32-0113.										
(2) When SB A300-32-0123 embodied after SB A300-32-0113.										
Sliding rod	C69025-1	N/A	34 000	N/A	X	X				
	C69025-4	N/A	34 000	N/A	X	X				
	C69029-1 (1)	N/A	32 000	N/A			X	X	X	X
	C69025-2	N/A	32 000	N/A			X	X	X	X
	C69025-3	N/A	32 000	N/A			X	X	X	X
	C69029-4 (2)	N/A	22 000	N/A			X	X	X	X
Piston	C67075	N/A	33 000	N/A			X	X	X	X
	C67075-1	N/A	33 000	N/A			X	X	X	X
End fitting	C61342-4	N/A	36 700	N/A	X	X				
	C66510-4	N/A	32 000	N/A			X	X	X	X
LINKAGE ASSEMBLY										
Upper multiple link pin (Multiple link/Upper link)	C61505	N/A	76 600	N/A	X	X				
	C61505-1	N/A	76 600	N/A	X	X				
	C61505-20	N/A	76 600	N/A	X	X				
ATA 36-11-05 PNEUMATIC										
(1) "xx" at the end of the P/N stands for any number between 00 and 99.										
Duct flanged (1)	A2127406300000x	N/A	24 000	N/A	X		X	X		

Appendix 1 to Docket No. FAA-2014-0236 – New Life Limits for the Main Landing Gear (MLG) Barrel Assembly, Retraction Actuator Assembly Linkage, and Flange Duct (continued)

(*) Whichever occurs first.
Notes are located under the assy title.

		LIFE LIMITS (*)			LIFE LIMITS APPLICABILITY					
	Part Number	FH	LDG	Cal.	B2-1A B2-1C	B2K-3C B2-20x	B2-320	B4-2C B4-1xx	B4-2xx	C4-203 F4-203
RETRACTION ACTUATOR ASSEMBLY										
(1) When SB A300-32-0123 embodied before SB A300-32-0113.										
(2) When SB A300-32-0123 embodied after SB A300-32-0113.										
Sliding rod	C69028-1	N/A	34 000	N/A	X	X				
	C69028-4	N/A	34 000	N/A	X	X				
	C69029-1 (1)	N/A	32 000	N/A			X	X	X	X
	C69029-2	N/A	32 000	N/A			X	X	X	X
	C69029-3	N/A	32 000	N/A			X	X	X	X
	C69029-4 (2)	N/A	22 000	N/A			X	X	X	X
Piston	C67078	N/A	33 000	N/A			X	X	X	X
	C67078-1	N/A	33 000	N/A			X	X	X	X
End fitting	C61342-4	N/A	36 700	N/A	X	X				
	C66510-4	N/A	32 000	N/A			X	X	X	X
LINKAGE ASSEMBLY										
Upper multiple link pin (Multiple link/Upper link)	C61505	N/A	76 600	N/A	X	X				
	C61505-1	N/A	76 600	N/A	X	X				
	C61505-20	N/A	76 600	N/A	X	X				
ATA 36-11-05 PNEUMATIC										
(1) "xx" at the end of the P/N stands for any number between 00 and 99.										
Duct flanged (1)	A21274063000xx	N/A	24 000	N/A	X		X	X		

Docket FAA–2014–0236.

Issued in Renton, Washington, on April 8, 2014.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08727 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0232; Directorate Identifier 2013–NM–100–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company 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 the Boeing Company Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the bulkhead dome tees, which connect the bulkhead web to the fuselage, are subject to widespread fatigue damage (WFD). This proposed AD would require repetitive inspections of the improved ventral aft pressure bulkhead tees and replacement if necessary. We are proposing this AD to detect and correct fatigue cracking of the bulkhead dome tees, which could result in reduced structural integrity and rapid decompression of the airplane.

DATES: We must receive comments on this proposed AD by June 2, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.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–2014–0232; 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 Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Eric Schrieber, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5348; fax: 562–627–5210; email: *eric.schrieber@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0232; Directorate Identifier 2013–NM–100–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 because of 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

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as WFD. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the

timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

This AD was prompted by an evaluation by the DAH indicating that the improved (shot-peened) ventral aft pressure bulkhead dome tees, which connect the bulkhead web to the fuselage, are subject to WFD. No new improved (shot-peened) tees have been found cracked to date, but it has been determined that these improved tees could crack before the airplane's limit of validity is reached. This condition, if not corrected, could result in reduced structural integrity and rapid decompression of the airplane.

Relevant Service Information

We reviewed McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0232.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information identified previously, except as discussed under ''Differences Between the Proposed AD and the Service Information.''

Differences Between This Proposed AD and the Service Information

McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995, did not specify compliance times for inspections of the new improved (shot-peened) tees. We have determined that the compliance time specified in this proposed AD adequately addresses the unsafe condition. This difference has been coordinated with The Boeing Company.

Although McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995, describes inspection procedures for the original design tees, the inspection procedures also apply to the improved (shot-peened) tees specified in this AD.

Although McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995, notes that replacing all six aft pressure bulkhead tee sections with new improved tee sections terminates the repetitive inspection requirements, this proposed AD does not allow that terminating action because the new improved tee could crack before the airplane's limit of validity is reached.

Although Table 1 of Figure 4, and paragraph 3, ''Material Information,'' of McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995, specify tee part numbers of SR09530056–3, SR09530056–5, SR09530056–6, SR09530056–7, SR09530056–8, SR09530056–9, 5910163–387, 5910163–389, 5910163–391, 5910163–392, 5910163–393, or 5910163–394, the complete lists of part numbers are listed in paragraphs (h) and (k) of this proposed AD.

These differences have been coordinated with The Boeing Company.

Related Rulemaking

AD 96–16–04, Amendment 39–9704 (61 FR 39860, July 31, 1996) requires repetitive inspections of the original tee in accordance with McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995, whether or not the original tee was replaced. AD 96–16–04 did not address WFD and, therefore, allowed replacement of the tee with a new improved tee as a terminating action for repetitive inspections.

Explanation of Compliance Time

The compliance time for the replacement specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 48 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	Up to 148 work-hours × $85 per hour = $12,580 per inspection cycle.	$0	Up to $12,580 per inspection cycle.	Up to $603,840 per inspection cycle.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	4,000 work-hours × $85 per hour = $340,000	$26,000	$366,000

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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2014–0232; Directorate Identifier 2013–NM–100–AD.

(a) Comments Due Date

We must receive comments by June 2, 2014.

(b) Affected ADs

This AD affects certain requirements of AD 96–16–04, Amendment 39–9704 (61 FR 39860, July 31, 1996).

(c) Applicability

This AD applies to The Boeing Company Model DC–9–11, DC–9–12, DC–9–13, DC–9–14, DC–9–15, and DC–9–15F airplanes; Model DC–9–21 airplanes; Model DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–33F, DC–9–34, DC–9–34F, and DC–9–32F (C–9A, C–9B) airplanes; Model DC–9–41 airplanes; and Model DC–9–51 airplanes; certificated in any category; equipped with a ventral aft pressure bulkhead.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the improved (shot-peened) ventral aft pressure bulkhead dome tees, which connect the bulkhead web to the fuselage, are subject to widespread fatigue damage (WFD). We are issuing this AD to detect and correct fatigue cracking of the improved (shot-peened) ventral aft pressure bulkhead dome tees connecting the bulkhead web to the fuselage, which could result in reduced structural integrity and rapid decompression of the airplane.

(f) Compliance

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

(g) Definitions

(1) For the purposes of this AD, the term ''original tee section'' refers to the original (non-peened) ventral aft pressure bulkhead web to fuselage skin attach tee sections.

(2) For the purposes of this AD, the term ''improved tee section'' refers to improved (shot peened) ventral aft pressure bulkhead web to fuselage skin attach tee sections.

(h) Inspections

For airplanes on which an improved tee section having P/N 5910130–389, 5910130–391, 5910130–392, 5910130–393, 5910130–394, 5910130–387, SR09530001–19, SR09530001–21, SR09530001–22, SR09530001–23, SR09530001–24, SR09530001–25, SR09530001–35, SR09530001–29, SR09530001–30, SR09530001–31, SR09530001–32, SR09530001–33, SR09530056–3, SR09530056–5, SR09530056–6, SR09530056–7, SR09530056–8, SR09530056–9, SR09530056–19, SR09530056–21, SR09530056–22, SR09530056–23, SR09530056–24, or SR09530056–25, is installed: At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, do general visual and low frequency eddy current inspections (Option I), or high and low frequency eddy current inspections (Option II), for cracking of the improved tee sections, in accordance with the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995.

(i) Compliance Times

(1) For Option I and Option II inspections specified in paragraph (h) of this AD: If the time of installation of an improved tee section having a part number listed in paragraph (h) of this AD, is known, do the initial inspection required by paragraph (h) of this AD within 70,000 flight cycles after installation of the improved tee section, or within 1,500 flight cycles after the effective date of this AD, whichever occurs later.

(2) For Option I and Option II inspections specified in paragraph (h) of this AD: If the time of installation of an improved tee section having a part number listed in paragraph (h) of this AD, is not known, do the initial inspection required by paragraph (h) of this AD before the accumulation of 105,000 total flight cycles on the airplane or within 1,500 flight cycles after the effective date of this AD, whichever occurs later.

(j) Repetitive Inspections

If no cracking is found during the inspection required by paragraph (h) of this AD: Do the actions specified in paragraph (j)(1) or (j)(2) of this AD, as applicable, in accordance with the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995.

(1) For Option I: If Option I was used for the inspection required by paragraph (h) of this AD, repeat the inspections specified in paragraphs (j)(1)(i), (j)(1)(ii), and (j)(1)(iii) of this AD at the intervals specified in paragraphs (j)(1)(i), (j)(1)(ii), and (j)(1)(iii) of this AD.

(i) Repeat the low frequency eddy current inspection for cracking of side areas above the floor between longerons L7 and L17 on the fuselage, at intervals not to exceed 1,500 flight cycles.

(ii) Repeat the general visual inspection for cracking of the top and lower areas from longeron L7 left side to longeron L7 right side, and lower fuselage longeron L17 to longeron L20 on the left and right sides, at intervals not to exceed 1,500 flight cycles.

(iii) Repeat the general visual inspection for cracking of the bottom areas from longeron L20 left side to longeron L20 right side, at intervals not to exceed 3,500 flight cycles.

(2) For Option II: If Option II was used for the inspection required by paragraph (h) of this AD, repeat the high and low frequency eddy current inspection for cracking around the entire periphery of the fuselage on the forward side of the bulkhead, at intervals not to exceed 2,500 flight cycles.

(k) Corrective Actions and Post-Replacement Inspections

If any cracking is found during any inspection required by paragraph (h) or (j) of this AD: Before further pressurized flight, replace each cracked tee section with an airworthy tee section having a part number listed in paragraph (h) of this AD, or with an original tee section having P/N 5910130–47, 5910130–51, 5910130–53, 5910130–54, 5910130–55, or 5910130–56, in accordance with the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995.

(1) If the tee section is replaced with an improved tee section listed in paragraph (h) of this AD, prior to the accumulation of 70,000 flight cycles after installation, inspect the tee section in accordance with paragraph (h) of this AD and do all applicable corrective actions and repetitive inspections in accordance with and at the times specified in paragraphs (j) and (k) of this AD.

(2) If the tee section is replaced with an original tee section listed in paragraph (k) of this AD, prior to the accumulation of 35,000 flight cycles after installation, inspect the tee section in accordance with paragraph (h) of this AD and do all applicable corrective actions and repetitive inspections in accordance with and at the times specified in paragraphs (j) and (k) of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-REQUESTS@faa.gov*.

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

(m) Related Information

(1) For more information about this AD, contact Eric Schrieber, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5348; fax: 562–627–5210; email: *eric.schrieber@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.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 April 7, 2014.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08730 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 120809321–3716–02]

RIN 0648–BC26

Gulf of the Farallones and Monterey Bay National Marine Sanctuaries Regulations on Introduced Species

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Re-opening of public comment period.

SUMMARY: On March 18, 2013 (78 FR 16622), NOAA proposed to prohibit the introduction of introduced species into the state waters of Gulf of the Farallones and Monterey Bay national marine sanctuaries (GFNMS and MBNMS, respectively). On March 27, 2014 (79 FR 17073) NOAA proposed to amend the March 2013 proposed rule to allow GFNMS and MBNMS to authorize certain introduced species of shellfish from commercial mariculture projects in all state waters of the sanctuaries. The comment period on this amendment closed on April 11, 2014. In response to significant public interest in this amended proposed action, NOAA is re-opening the public comment period until May 5, 2014.

DATES: NOAA will accept public comments on the proposed rule published at 79 FR 17073 (March 27, 2014) through May 5, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NOS–2012–0113, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NOS-2012-0113,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Dave Lott, Regional Operations Coordinator, West Coast Region, Office of National Marine Sanctuaries, 99 Pacific Street, STE100F, Monterey, CA 93940.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Dave Lott, Regional Operations Coordinator, West Coast Region, Office of National Marine Sanctuaries, 99 Pacific Street, STE100F, Monterey, CA 93940. 831–647–1920.

Dated: April 9, 2014.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries.

[FR Doc. 2014–08729 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–NK–P

INTERNATIONAL TRADE COMMISSION

19 CFR Part 201

Rules of General Application

AGENCY: International Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States International Trade Commission (''Commission'') proposes to amend provisions of its Rules of Practice and Procedure concerning national security information. The proposed amendments seek to ensure that the Commission's procedures with respect to national security information are consistent with applicable authorities.

DATES: To be assured of consideration, written comments must be received by 5:15 p.m. on June 16, 2014.

ADDRESSES: You may submit comments, identified by docket number MISC–043, by any of the following methods:

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

Agency Web site: https://edis.usitc.gov. Follow the instructions

for submitting comments on the Web site.

Mail: For paper submission. U.S. International Trade Commission, 500 E Street SW., Room 112A, Washington, DC 20436.

Hand Delivery/Courier: U.S. International Trade Commission, 500 E Street SW., Room 112A, Washington, DC 20436. Deliveries must be made during the hours of 8:45 a.m. to 5:15 p.m.

Instructions: All submissions received must include the agency name and docket number (MISC–043), along with a cover letter stating the nature of the commenter's interest in the proposed rulemaking. All comments received will be posted without change to *https://edis.usitc.gov*, including any personal information provided. For paper copies, a signed original and 14 copies of each set of comments should be submitted to Lisa R. Barton, Acting Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112A, Washington, DC 20436.

Docket: For access to the docket to read background documents or comments received, go to *https://edis.usitc.gov* and/or the U.S. International Trade Commission, 500 E Street SW., Room 112A, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary, telephone (202) 205–2000, or Clara Kuehn, Attorney-Advisor, Office of the General Counsel, telephone (202) 205–3012, United States International Trade Commission. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205–1810. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*.

SUPPLEMENTARY INFORMATION: The preamble below is designed to assist readers in understanding these proposed amendments to the Commission's Rules. This preamble provides background information, a section-by-section explanation of the proposed amendments, and a regulatory analysis of the proposed amendments. The Commission encourages members of the public to comment on the proposed amendments as well as on whether the language of the proposed amendments is sufficiently clear for users to understand.

Background

Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures, rules, and regulations as it deems necessary to carry out its functions and duties. This rulemaking seeks to improve provisions of the Commission's existing Rules of Practice and Procedure. The Commission proposes amendments to its rules concerning national security information. The Commission invites the public to comment on all of these proposed rules amendments. In any comments, please consider addressing whether the language of the proposed amendments is sufficiently clear for users to understand. In addition please consider addressing how the proposed rules amendments could be improved, and/or offering specific constructive alternatives where appropriate.

Consistent with its ordinary practice, the Commission is issuing these proposed amendments in accordance with provisions of section 553 of the Administrative Procedure Act (''APA'') (5 U.S.C. 553), although such provisions are not mandatory with respect to this rulemaking. The APA procedure entails the following steps: (1) Publication of a notice of proposed rulemaking; (2) solicitation of public comments on the proposed amendments; (3) Commission review of public comments on the proposed amendments; and (4) publication of final amendments at least thirty days prior to their effective date.

The Commission proposes to revise subpart F of part 201 to ensure that its rules relating to national security information are consistent with Executive Order 13526 of December 29, 2009, ''Classified National Security Information'' (75 FR 707, Jan. 5, 2010), and its implementing directive, 32 CFR part 2001. The current subpart F includes three sections: 201.42 (''Purpose and scope''), 201.43 (''Program''), and 201.44 (''Procedures''). As more fully discussed below, the proposed amendments would make non-substantive revisions to section 201.42; eliminate existing section 201.43 and subsections 201.44(b) through (f); and update existing subsection 201.44(a) and move it into section 201.43.

Pursuant to 5.2(b)(3) of the Executive Order, these proposed rules were submitted to the Director of the Information Security Oversight Office (''ISOO''), and, on XX, that office approved their issuance.

Section-by-Section Analysis

Section 201.42 would be revised to include updated citations to the Executive Order.

Section 201.43 would be revised to replace the existing text with an updated version of section 201.44(a). Sections 5.2(b)(3) and 5.4(d)(2) of the Executive Order require that an agency publish in the **Federal Register** implementing regulations that affect the public. The provisions of existing section 201.43 (''Program'') do not affect members of the public.

Section 3.5(e) of the Executive Order requires an agency to ''develop procedures to process requests for the mandatory review of classified information'' in conformance with ISOO's implementing directive. Proposed revised section 201.43 would update and expand the Commission's procedures to conform to the requirements of the Executive Order and applicable ISOO regulations (32 CFR 2001.33).

Proposed subsection 201.43(a) updates the requirement that a mandatory declassification review (''MDR'') request must describe the material sought with sufficient specificity, and adds a process for responding to non-specific requests. The proposed subsection adds the mailing address for the Secretary to the Commission. Proposed subsection 201.43(b) would expand the material in the current regulation that distinguishes MDR requests from Freedom of Information Act requests. Proposed revised subsections 201.43(c), (d), and (e) establish procedures for referrals of requests, handling requests for foreign government information, and appeals, respectively.

Section 201.44 would be removed because, aside from the text to be moved into section 201.43, the provisions of section 201.44 do not affect the public. The omitted subsections are: 201.44(b) (''Safeguarding''), (c) (''Reproduction''), (d) (''Storage''), (e) (''Employee education''), and (f) (''Agency terminology'').

Regulatory Analysis of Proposed Amendments to the Commission's Rules

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) is inapplicable to this rulemaking because it is not one for which a notice of proposed rulemaking is required under 5 U.S.C. 553(b) or any other statute. Although the Commission has chosen to publish a notice of proposed rulemaking, these proposed regulations are ''agency rules of procedure and practice,'' and thus are exempt from the notice requirement imposed by 5 U.S.C. 553(b). Moreover, the Commission certifies that the proposed rules amendments will not have a significant economic impact on a substantial number of small entities.

The proposed rules amendments do not contain any information collection requirements subject to the provisions

of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

No actions are necessary under title II of the Unfunded Mandates Reform Act of 1995, Public Law 104–4 (2 U.S.C. 1531–1538) because the proposed rules amendments will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments.

The Commission has determined that the proposed rules amendments do not constitute a ''significant regulatory action'' under section 3(f) of Executive Order 12866 (58 FR 51735, October 4, 1993).

The proposed rules amendments do not have federalism implications warranting the preparation of a federalism summary impact statement under Executive Order 13132 (64 FR 43255, August 4, 1999).

The proposed rules amendments are not ''major rules'' as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et seq.). Moreover, they are exempt from the reporting requirements of the Act because they concern rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

List of Subjects in 19 CFR Part 201

Administrative practice and procedure.

For the reasons stated in the preamble, the United States International Trade Commission proposes to amend 19 CFR part 201 as follows:

PART 201—RULES OF GENERAL APPLICATION

■ 1. Revise the authority citation for subpart F of part 201 to read as follows:

Authority: 19 U.S.C. 1335; E.O. 13256, 75 FR 707.

■ 2. Revise subpart F to read as follows:

Subpart F—National Security Information

§ 201.42 Purpose and scope.

The following regulation supplements Executive Order 13526 of December 29, 2009, 75 FR 707, and its implementing directive (32 CFR part 2001) as it applies to the Commission.

§ 201.43 Mandatory declassification review.

(a) Requests for mandatory declassification review. (1) Definitions. Mandatory declassification review (''MDR'') means the review for declassification of classified information in response to a request for declassification that meets the requirements under section 3.5 of Executive Order 13526.

(2) Procedures. Requests for MDR of information in the custody of the Commission that is classified under Executive Order 13526 or predecessor orders shall be directed to the Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. MDR requests will be processed in accordance with Executive Order 13526, its implementing directive, and this section. An MDR request must describe the document or material containing the requested information with sufficient specificity to enable Commission personnel to locate it with a reasonable amount of effort. Requests for broad types of information, entire file series of records, or similar non-specific requests may be denied processing. The Secretary shall notify a requester who has submitted a non-specific request that no further action will be taken on the request unless the requester provides additional description.

(b) Freedom of Information Act and Privacy Act requests. (1) Requests for records submitted under the Freedom of Information Act (''FOIA'') (5 U.S.C. 552), as amended, or the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which include classified information shall be processed in accordance with the provisions of those acts and applicable Commission regulations (subpart C of this part (FOIA regulations); subpart D of this part (Privacy Act regulations)).

(2) If a requester submits a request under FOIA and also requests MDR, the Secretary shall require the requester to select one process or the other. If the requester fails to select one or the other process, the Secretary will treat the request as a FOIA request unless the requested materials are subject only to MDR.

(c) Referral of MDR requests. (1) Because the Commission does not have original classification authority and all U.S. originated classified information in its custody has been originally classified by another Federal agency, the Secretary shall refer all requests for MDR and the pertinent records to the originating agency for review. Following consultations with the originating agency, the Secretary shall notify the requester of the referral unless such association is itself classified under Executive Order 13526 or its predecessor orders. The Secretary shall request that the originating agency, in accordance with 32 CFR 2001.33(a)(2)(ii) and 2001.34(e):

(i) Promptly process the request for declassification,

(ii) communicate its declassification determination to the Secretary, and

(iii) if the originating agency proposes to withhold any information from public release, notify the Secretary of the specific information at issue and the applicable law that authorizes and warrants withholding such information.

(2) Unless a prior arrangement has been made with the originating agency, the Secretary shall collect the results of that agency's review and inform the requester of any final decision regarding the declassification of the requested information as follows:

(i) If the originating agency denies declassification of the requested information in whole or in part, the Secretary shall ensure that the decision provided to the requester includes notification of the right to file an administrative appeal with the originating agency within 60 days of receipt of the denial and the mailing address for the appellate authority at the originating agency.

(ii) If the originating agency declassifies the requested information in whole or in part, the Secretary shall determine whether the requested declassified information is exempt from disclosure, in whole or in part, under the provisions of a statutory authority, such as the FOIA. The Secretary shall inform the requester that an appeal from a denial of requested declassified information must be received within 60 days of the date of the letter of denial and shall be made to the Commission and addressed to the Chairman, United States International Trade Commission, 500 E Street SW., Washington, DC 20436.

(d) Foreign Government Information. (1) Definitions. ''Foreign government information'' (''FGI'') means information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence; information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or information received and treated as FGI

under the terms of a predecessor of Executive Order 13526.

(2) MDR requests for classified records in Commission custody that contain FGI. The Commission will handle such MDR requests consistent with the requirements of Executive Order 13526 and 32 CFR part 2001. MDR requests for FGI initially received or classified by another Federal agency shall be referred to such agency following the referral procedures in paragraph (c) of this section.

(e) Appeals of denials of MDR requests. MDR appeals are for the denial of classified information only. Appeals of denials are handled in accordance with 32 CFR 2001.33(a)(2)(iii), which provides that the agency appellate authority deciding an administrative appeal of the denial of an MDR request shall notify the requester in writing of the reasons for any denial and inform the requester of his or her final appeal rights to the Interagency Security Classification Appeals Panel.

By order of the Commission.

Issued: April 11, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–08699 Filed 4–16–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0005]

RIN 1625–AA08

Special Local Regulations; Beaufort Water Festival, Beaufort, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation pertaining to the Beaufort Water Festival from 11:30 a.m. through 4:30 p.m. on July 19, 2014. This action is necessary to ensure safety of life on navigable waters of the United States during the Beaufort Water Festival Air Show. During the enforcement period, the special local regulation establishes a regulated area which all people and vessels will be prohibited from entering, transiting through, anchoring, or remaining within. Vessels may enter, transit through, anchor in, or remain within the area if authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before May 19, 2014. Requests for public meetings must be received by the Coast Guard on or before April 04, 2014.

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.

(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 rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843)–740–3184, email *Christopher.L.Ruleman@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. 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–2014–0005] 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–2014–0005) 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 04, 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**. For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact the person named in the **FOR FURTHER INFORMATION CONTACT** section, above.

B. Basis and Purpose

The legal basis for the proposed rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the proposed rule is to ensure safety of life and property on the navigable waters of the United States during the Beaufort Water Festival.

C. Discussion of Proposed Rule

This temporary rule creates a regulated area that will encompass a portion of the waterway that is 700 ft wide by 2600 ft in length, whose approximate corner coordinates are as follows:

32°25′47″ N/080°40′44″ W,
32°25′41″ N/080°40′14″ W,
32°25′35″ N/080°40′16″ W,
32°25′40″ N/080°40′46″ W,

Spectator vessels may safely transit outside the regulated area, but are prohibited from entering, transiting through, anchoring, or remaining within the regulated area. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

D. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number 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, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The economic impact of this proposed rule is not significant for the following reasons: (1) The special local regulations would be enforced for only five hours (2) although persons and vessels would not be able to enter, transit through, anchor, or remain within the regulated area without authorization from the Captain of the Port Charleston or a designated representative, they would be able to operate in the surrounding area during the enforcement periods; (3) persons and vessels would still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the Captain of the Port Charleston or a designated representative; and (4) the Coast Guard would provide advance notification of the regulated area to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. 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. 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. 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. 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 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 proposed 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 proposed rule would not result in such an 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 is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a special local regulation issued in conjunction with a regatta or marine parade, as described in figure 2–1, paragraph (34)(h), of the Instruction. Under figure 2–1, paragraph (34)(h) of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this proposed rule. 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 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.T07–0005 to read as follows:

§ 100.T07–0005 Special Local Regulations; Beaufort Water Festival, Beaufort, SC.

(a) Regulated Area. The following location is a regulated area: Certain waters of the Beaufort River, within the following points; 32°25′47″ N/080°40′44″ W, 32°25′41″ N/080°40′14″ W, 32°25′35″ N/080°40′16″ W, 32°25′40″ N/080°40′46″ W. All coordinates are North American Datum 1983. This zone will create a regulated area that will encompass a portion of the waterway that is 700 ft wide by 2600 ft in length.

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

(c) *Regulations.*

(1) All persons and vessels, except those participating in the Beaufort Water Festival Airshow, or serving as safety vessels, are prohibited from entering, transiting through, anchoring, or remaining within the regulated area. Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

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

(d) *Enforcement Date.* This rule will be enforced from 11:30 a.m. until 4:30 p.m. on July 19, 2014.

Dated: April 2, 2014.

R.R. Rodriguez,

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

[FR Doc. 2014–08785 Filed 4–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2014–OSERS–0053]

Proposed Priority—Technical Assistance on State Data Collection—IDEA Data Management Center

[CFDA Number: 84.373M.]

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

ACTION: Proposed priority.

SUMMARY: The Assistant Secretary for the Office of Special Education and Rehabilitative Services (OSERS) proposes a funding priority under the Technical Assistance on State Data Collection program. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus attention on an identified national need to provide technical assistance (TA) to improve the capacity of States to meet the data collection requirements of the Individuals with Disabilities Education Act (IDEA).

DATES: We must receive your comments on or before July 1, 2014.

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

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

• *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this proposed priority, address them to Meredith Miceli, U.S. Department of Education, 400 Maryland Avenue SW., Room 4071, Potomac Center Plaza (PCP), Washington, DC 20202–2600.

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

FOR FURTHER INFORMATION CONTACT: Meredith Miceli. Telephone: (202) 245–6028 or by email: *Meredith.Miceli@ed.gov*.

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

SUPPLEMENTARY INFORMATION:

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

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

During and after the comment period, you may inspect all public comments about this notice in room 4071, 550 12th Street SW., PCP, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

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

Purpose of Program: The purpose of the Technical Assistance on State Data Collection program is to improve the capacity of States to meet the IDEA data collection and reporting requirements. Funding for the program is authorized under section 611(c)(1) of IDEA, which gives the Secretary the authority to reserve funds appropriated under Part B of the IDEA to provide TA activities authorized under section 616(i) of IDEA. Section 616(i) of IDEA requires the Secretary to review the data collection and analysis capacity of States to ensure that data and information determined necessary for implementation of IDEA section 616 are collected, analyzed, and accurately reported to the Secretary. It also requires the Secretary to provide TA, where needed, to improve the capacity of States to meet the data collection requirements under IDEA Parts B and C, which include the data collection requirements in IDEA sections 616 and 618.

Program Authority: 20 U.S.C. 1411(c), 1416(i), 1418(c), and 1442.

Applicable Program Regulations: 34 CFR 300.702.

Proposed Priority:

This notice contains one proposed priority.

IDEA Data Management Center.

Background:

The purpose of this proposed priority is to fund a cooperative agreement to establish and operate an IDEA Data Management Center (Center) to achieve, at a minimum, the following expected outcomes: (a) Improve States' data management procedures and data systems architecture [1] to build data files and reports to improve States' capacity to meet the Part B reporting requirements under sections 616 and 618 of IDEA; and (b) improve States' capacity to utilize their statewide longitudinal data systems [2] (SLDS) to report high-quality data under IDEA Part B required under sections 616 and 618 of IDEA. The Center's work will comply with the privacy and confidentiality protections in the Family Educational Rights and Privacy Act (FERPA) and IDEA and will not provide the Department with access to child-level data.

There is a need to assist States in restructuring their existing, often fragmented, data systems and in aligning their data collection for students with disabilities to their data collection for the general student population in the SLDS so that States can improve the validity and reliability of the data they report to the Secretary and the public as required under sections 616 and 618 of IDEA.

Currently, most students with disabilities are educated in the same settings as students without disabilities; however, the majority of States continue to treat data about students with disabilities as separate from the data for students without disabilities. States are using alternate data collections to build reports to meet the reporting requirements under sections 616 and 618 of IDEA (e.g., discipline, assessment, educational environments), rather than including all data elements needed for Federal reporting in their SLDS.

Based on State responses to an annual survey of State education metadata conducted by the U.S. Department of Education (Department) during the school year (SY) 2012–2013, only 26 of the 60 State educational agencies (SEAs) [3] reported that all of their IDEA Part B section 618 data were integrated into their student information system,[4] and only 20 of the 60 SEAs reported that all of their IDEA Part B section 618 data were integrated into their SLDS.

Further, various programs, districts, and other facilities are using different collection processes to gather data for required data submissions. Federal data reports that include the same data elements on the same subgroups of students include data that often do not match. These situations hinder the States' capacity to report valid and reliable data to the Secretary and to the public as required by IDEA section 616(b)(2)(B) and to meet IDEA data collection and reporting requirements in IDEA sections 616 and 618.

States with fragmented data systems are also more likely to have missing data. For example, if a State collects and maintains data on disciplinary removals of students with disabilities in a special education data system and maintains data on the demographics of students in another data system, the State may not be able to accurately match all data on disciplinary removals with the demographics data needed to meet the IDEA reporting requirements.

The Office of Special Education Programs (OSEP) followed up with 14 SEAs regarding concerns or questions about the completeness of the IDEA discipline data SY 2012–13 submitted to the Department. Nine of the 14 SEAs

[1] ''Data architecture is a set of rules, policies, standards and models that govern and define the type of data collected and how it's used, stored, managed and integrated within an organization and its database systems. It provides a formal approach to creating and managing the flow of data and how it's processed across the organization's IT systems and applications.'' Techopedia. Retrieved from *www.techopedia.com/definition/29452/data-architect*.

[2] The term statewide longitudinal data system refers to ''a data system that collects and maintains detailed, high quality, student- and staff-level data that are linked across entities over time, providing a complete academic and performance history for each student; and makes these data accessible through reporting and analysis tools.'' Data Quality Campaign. (2012). Retrieved from *www.dataqualitycampaign.org/files/2013_DQC_Data_for_Action_Survey_Glossary.pdf*.

[3] The 60 entities that receive IDEA Part B formula funds are the 50 States, District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Guam, Northern Marianas, Federated States of Micronesia, Palau, Republic of Marshall Islands, and the Bureau of Indian Education.

[4] The term student information system refers to ''a software application for education establishments to manage student data such as attendance, demographics, test scores, grades, or schedules in real time.'' Data Quality Campaign. (2012). Retrieved from *www.dataqualitycampaign.org/files/2013_DQC_Data_for_Action_Survey_Glossary.pdf*.

reported that they did not use, or only minimally used, their SLDS for purposes of IDEA section 618 reporting.

In addition, States with fragmented systems often lack the capacity to cross-validate related data elements. For example, if the data on the type of statewide assessment in which students with disabilities participate is housed in one database and the grade in which students are enrolled is housed in another database, the State may not be able to accurately match the assessment data to the accurate grade level to meet the IDEA reporting requirements under IDEA sections 616 and 618.

OSEP followed up with 43 SEAs regarding the completeness of the SY 2011–12 IDEA assessment data submitted to the Department. Twenty-eight of the 43 SEAs reported that they did not use, or only minimally used, their SLDS for purposes of IDEA section 618 reporting.

This kind of fragmentation is not limited to IDEA data. The Office of Planning, Evaluation, and Policy Development (OPEPD) and the National Center for Education Statistics (NCES) provide assistance to States to meet data reporting challenges through their State Education Information Support Services (SEISS) project. The SEISS project provides support to improve the quality, comparability, timeliness, and usefulness of elementary and secondary education data collected by each SEA and reported to the Federal government via the ED*Facts* reporting system. An additional benefit is that the State can also use the improved data as they report to school districts, schools, and other agencies within the State. The SEISS work supports the collection of the data required by a variety of the Department's program offices (e.g., NCES, and the Office of Elementary and Secondary Education).

In 2013, SEISS worked with seven States to document how elementary and secondary education data and meta-data were collected and maintained for the Common Core Data (CCD) and Consolidated State Performance Report (CSPR) data submissions for each of the States. To document the States' processes, SEISS: (1) Mapped States' source systems related to CCD and CSPR data to the common education data standards (CEDS); [5] and (2) worked across the Department to develop CEDS ''Connections'' [6] related to many of the ED*Facts* file specifications associated with the CCD and CSPR data. SEISS found that: (1) States are using data collections other than their SLDS to build reports to meet Federal reporting requirements; and (2) different data collection processes are being used by various programs, schools, districts, and other facilities to gather data for required data submissions.

The proposed Center will use the lessons learned from the SEISS project and similar data management improvement efforts to build and improve States' capacity to meet the IDEA data collection and reporting requirements by integrating data on students with disabilities into SLDS. OSEP will work with NCEDS and its TA providers to prevent duplication of efforts between SEISS and this proposed IDEA Data Management Center.

The Center will also work with other TA centers funded by OSEP. OSEP currently funds the Center for IDEA Early Childhood Data Systems (DaSy Center, $6.5 million per year), which focuses on helping States build an early childhood data infrastructure to meet IDEA early childhood data collection requirements, and the IDEA Data Center (IDC, $6.5 million per year), which focuses on assisting States with developing necessary data validation processes and procedures to ensure high quality IDEA data submissions. Finally, all TA conducted by the IDEA Data Management Center will be coordinated with other relevant Federal data efforts to help States incorporate best practices in data management, reporting, confidentiality and other aspects of data systems (e.g., SLDS Program, the Privacy Technical Assistance Center, and the CEDS initiative).

Proposed Priority:

The purpose of this proposed priority is to fund a cooperative agreement to establish and operate an IDEA Data Management Center (Center) to achieve, at a minimum, the following expected outcomes: (a) Improve States' data management procedures and data systems architecture to build data files and reports to improve States' capacity to meet the Part B reporting requirements under sections 616 and 618 of IDEA; and (b) improve States' capacity to utilize their SLDS to report high-quality data under IDEA Part B as required under sections 616 and 618 of IDEA. The Center's work will comply with the privacy and confidentiality protections in FERPA and IDEA and will not provide the Department with access to child-level data.

Project Activities. To meet the requirements of this priority, the IDEA Data Management Center at a minimum, must:

Knowledge Development Activities in Year One.

(a) Document the methods of collecting, processing, and reporting the IDEA Part B section 616 and 618 data for the 60 SEAs. The documentation must align the data used by the States to meet the Part B IDEA data to CEDS.

(b) Analyze the methods of collection, processing, and reporting the Part B IDEA data for commonalities and challenges and identify States in need of intensive or targeted TA.

Technical Assistance and Dissemination Activities.

(a) Provide intensive TA [7] to at least 10 States to improve their ability to utilize SLDS as sources for reporting Part B data required under sections 616 and 618 of IDEA. The Center should use information obtained through the activities described under paragraph (a) of the Knowledge Development Activities section of this priority to inform the intensive TA, which should be focused on States that are not using their SLDS to report their IDEA Part B section 616 and 618 data.

Note: Applicants must describe the methods and criteria they will use to recruit and select States for intensive TA. The Center must obtain approval from OSEP on the final selection of intensive TA States.

(b) Provide a range of targeted and general TA products and services for improving States' capacity to report high-quality Part B data required under

[5] The Common Education Data Standards (CEDS) is ''a specified set of the most commonly used education data elements to support the effective exchange of data within and across States, as students transition between educational sectors and levels, and for Federal reporting'' (National Center for Education Statistics, Common Education Data Standards, retrieved from *http://nces.ed.gov/programs/ceds/*). For more information, see: *http://ceds.ed.gov/Default.aspx*.

[6] CEDS Connect tool ''allows stakeholders to generate specific and relevant maps to a growing pool of CEDS ''connections.'' Stakeholders from varied educational organizations can use the tool to identify policy questions and related data elements, define analytic approaches, calculate metrics and indicators, address reporting requirements, etc. CEDS Connect enables users at different levels to consider the metric definitions of data points such as graduation rate, program enrollment, or academic outcomes. By establishing the data elements necessary to answer a given question, as well as recommended logic and routines for analysis, CEDS Connect is designed to help the education data community work together towards standard definitions and methodologies that will provide common, comparable data measurements and reporting that can cross districts, States, and educational agencies'' (Common Education Data Standards, retrieved from *https://ceds.ed.gov/pdf/ceds-101.pdf*). For more information on CEDS Connections, see: *https://ceds.ed.gov/connect.aspx*.

[7] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

sections 616 and 618 of IDEA. Such TA should include, at a minimum:

(1) Working with the Department to develop open source electronic tools to assist States in building ED*Facts* data files and reports that can be submitted to the Department and made available to the public. The tools should utilize CEDS and meet all States' and entities' needs associated with reporting the Part B data required under sections 616 and 618 of IDEA;

(2) Developing a plan to maintain the appropriate functionality of the open source electronic tools described in paragraph (1) as changes are made to data collections, reporting requirements, file specifications, and CEDS;

(3) Conducting training with State staff to use the open source electronic tools;

(4) Developing CEDS ''Connections'' [8] to calculate metrics needed to report the Part B data required under sections 616 and 618 of IDEA; and

(5) Developing white papers and presentations that include tools and solutions to challenges in data management procedures and data system architecture for reporting the Part B data required under sections 616 and 618 of IDEA.

Coordination Activities.

(a) Communicate and coordinate, on an ongoing basis, with other Department-funded projects, including those providing data-related support to States, such as IDC, DaSy, the CEDS initiative, the SLDS program, and the Privacy Technical Assistance Center; and

(b) Maintain ongoing communication with the OSEP project officer.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority. OSEP encourages innovative approaches to meet these requirements, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address State challenges in collecting, analyzing, and accurately reporting valid and reliable IDEA data on State data management procedures and data systems architecture and in building ED*Facts* data files and reports for timely reporting of the IDEA data to the Department and the public. To meet this requirement the applicant must—

(i) Demonstrate knowledge of IDEA data collections and ED*Facts* file specifications for the IDEA data collection; and

(ii) Present information about the difficulties that States have encountered in the collection and submission of valid and reliable IDEA data;

(2) Result in improved IDEA data collection and reporting.

(b) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Achieve the project's goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) The logic model by which the proposed project will achieve its intended outcomes;

(2) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among them, and any empirical support for this framework;

(3) Be based on current research and make use of evidence-based practices. To meet this requirement, the applicant must describe—

(i) The current research on the effectiveness of IDEA data collection strategies, data management procedures, and data systems architectures;

(ii) How the current research about adult learning principles and implementation science will inform the proposed TA; and

(iii) How the proposed project will incorporate current research and evidence-based practices in the development and delivery of its products and services;

(4) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it will develop knowledge of States' data management processes and data systems architecture;

(ii) Its proposed approach to universal, general TA [9] for the 60 SEAs;

(iii) Its proposed approach to targeted, specialized TA,[10] which must identify—

(A) The intended recipients of the products and services under this approach; and

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the local educational agency (LEA) level, as appropriate;

(iv) Its proposed approach to intensive, sustained TA, which must identify—

(A) The intended recipients of the products and services under this approach;

(B) Its proposed approach to measure the readiness of the SEAs to work with the proposed project including the SEA's commitment to the initiative, fit of the initiatives, current infrastructure, available resources, and ability to build capacity at the LEA level, as appropriate; and

(C) Its proposed plan for assisting SEAs to build training systems that include professional development based on adult learning principles and coaching.

(5) Develop products and implement services to maximize the project's efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes; and

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration.

(c) Demonstrate, in the narrative section of the application under ''Quality of the Evaluation Plan,'' how—

(1) The proposed project will collect and analyze data on specific and measurable goals, objectives, and intended outcomes of the project. To address this requirement, the applicant must describe its—

(i) Proposed evaluation methodologies, including instruments, data collection methods, and analyses; and

(ii) Proposed standards of effectiveness;

[8] For more information on CEDS Connections, see: *https://ceds.ed.gov/connect.aspx.*

[9] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[10] ''Targeted, specialized TA'' means TA service based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

(2) The proposed project will use the evaluation results to examine the effectiveness of its implementation and its progress toward achieving the intended outcomes; and

(3) The methods of evaluation will produce quantitative and qualitative data that demonstrate whether the project achieved the intended outcomes.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes.

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) How key project personnel and any consultants and subcontractors will be allocated to the project and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will benefit from a diversity of perspectives, including those of State and local personnel, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include in Appendix A of the application a logic model that depicts, at a minimum, the goals, activities, outputs, and outcomes of the proposed project. A logic model communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project.

Note: The following Web sites provide more information on logic models: *www.researchutilization.org/matrix/logicmodel_resource3c.html* and *www.tadnet.org/pages/589;*

(2) Include in Appendix A of the application a conceptual framework for the project;

(3) Include in Appendix A of the application person-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(4) Include in the proposed budget funding for attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' conference in Washington, DC, during each year of the project period;

(iii) Two annual two-day trips for Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive review meeting in Washington, DC, during the last half of the second year of the project period;

(5) Include in the budget a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with OSEP.

Note: With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period; and

(6) Maintain a Web site that meets government or industry-recognized standards for accessibility.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

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

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

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

Final Priority

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

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

Executive Orders 12866 and 13563

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

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

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

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

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

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

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles,

structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

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

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

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

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

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

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

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

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

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

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Dated: April 14, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–08796 Filed 4–16–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2009–0594; FRL–9909–55–Region 6]

Approval and Promulgation of Implementation Plans; States of Arkansas and Louisiana; Clean Air Interstate Rule State Implementation Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions submitted to the applicable State Implementation Plans (SIPs) addressing the requirements of EPA's Clean Air Interstate Rule (CAIR) for Arkansas and Louisiana. EPA is proposing to approve revisions to the CAIR NO_X Ozone Season allocation methodology adopted on December 5, 2008, by the Arkansas Pollution Control and Ecology Commission and submitted as revisions to the Arkansas SIP on September 16, 2009. EPA is proposing to approve revisions to the CAIR NO_X Annual and Ozone Season Abbreviated SIP for the annual and ozone season NO_X allocation methodologies and the CAIR SO_2 SIP adopted on June 20, 2008 by the State of Louisiana and submitted as revisions to the Louisiana SIP on July 1, 2009. EPA has evaluated the CAIR SIP revisions for Arkansas and Louisiana and made the preliminary determination that these revisions are consistent with the requirements of CAIR and the Clean Air Act. Therefore we are proposing to approve the revisions to the Arkansas and Louisiana SIPs under section 110 of the Act.

DATES: Written comments should be received on or before May 19, 2014.

ADDRESSES: Comments may be mailed to Ms. Adina Wiley, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Wiley (6PD–R), telephone (214) 665–2115, email address *wiley.adina@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties

interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: April 2, 2014.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2014–08646 Filed 4–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2013–0708, FRL–9909–47–Region 10]

Approval and Promulgation of Implementation Plans; Idaho: Infrastructure Requirements for the 2010 Nitrogen Dioxide and 2010 Sulfur Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to find that the Idaho State Implementation Plan (SIP) meets the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for nitrogen dioxide (NO_2) on January 22, 2010, and sulfur dioxide (SO_2) on June 2, 2010. Whenever a new or revised NAAQS is promulgated, the CAA requires states to submit a plan for the implementation, maintenance and enforcement of such NAAQS. The plan is required to address basic program elements, including but not limited to regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements.

DATES: Comments must be received on or before May 19, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2013–0708, by any of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: R10-Public_Comments@epa.gov*
- *Mail:* Kristin Hall, EPA Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101
- *Hand Delivery/Courier:* EPA Region 10 Mailroom, 9th floor, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Kristin Hall, Office of Air, Waste and Toxics, AWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2013–0708. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at (206) 553–6357, *hall.kristin@epa.gov*, or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA. Information is organized as follows:

Table of Contents

I. Background
II. CAA Sections 110(a)(1) and (2) Infrastructure Elements
III. EPA Approach to Review of Infrastructure SIP Submittals
IV. Analysis of the Idaho Submittals
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. Background

The EPA first set standards for NO_2 in 1971, setting both a primary standard (to protect health) and a secondary standard (to protect the public welfare) at 53 parts per billion (53 ppb), averaged annually. The EPA reviewed the standards in 1985 and 1996, deciding to retain the standards at the conclusion of each review. In 2005, the EPA began another review, resulting in the January 22, 2010, rulemaking to establish an additional primary NO_2 standard at 100 ppb, averaged over one hour (75 FR 6474).

Primary standards for SO_2 were first set in 1971, at 0.14 parts per million (ppm) averaged over a 24-hour period, not to be exceeded more than once per year, and 0.030 ppm, annual arithmetic mean. The EPA subsequently reviewed the primary standards and determined to retain them in 1996 at the conclusion of the review. More recently, on June 2, 2010, the EPA promulgated a revised primary SO_2 standard at 75 ppb, based on a three-year average of the annual 99th percentile of one-hour daily maximum concentrations (75 FR 35520).

The CAA requires that states submit SIPs meeting the requirements of CAA sections 110(a)(1) and (2) within three years after promulgation of a new or revised standard. CAA sections 110(a)(1) and (2) require states to address basic SIP elements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the standards, the so-called ''infrastructure'' requirements. To help states, the EPA issued guidance on September 13, 2013, addressing infrastructure SIP elements for certain NAAQS, including the 2010 NO_2 and 2010 SO_2 NAAQS.[1] As noted in the guidance, to the extent an existing SIP already meets the CAA section 110(a)(2)

[1] Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

requirements, states may certify that fact via a letter to the EPA.

On September 16, 2013, the State of Idaho submitted certifications to the EPA that the Idaho SIP meets the infrastructure requirements for the 2010 NO_2 and 2010 SO_2 NAAQS. The Idaho Department of Environmental Quality (DEQ) provided notice and an opportunity for public comment on the submittals from July 12, 2013, through August 13, 2013. A notice of public hearing was published in the *Idaho Statesman* on July 12, 2013. The Idaho DEQ held a public hearing on August 13, 2013 in Boise, Idaho. No comments or testimony were received. The EPA has evaluated the Idaho submittals and determined that the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA have been met.

II. CAA Sections 110(a)(1) and (2) Infrastructure Elements

CAA section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. CAA section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. These requirements include SIP infrastructure elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. The requirements, with their corresponding CAA subsection, are listed below:

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.
- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency power.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and meet the applicable requirements of part D.
- 110(a)(2)(J): Consultation with government officials; public notification; and Prevention of Significant Deterioration (PSD) and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

The EPA's guidance clarified that two elements identified in CAA section 110(a)(2) are not governed by the three year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time the nonattainment area plan requirements are due pursuant to CAA section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR) or CAA section 110(a)(2)(I). Furthermore, the EPA interprets the CAA section 110(a)(2)(J) provision on visibility as not being triggered by a new NAAQS because the visibility requirements in part C, title I of the CAA are not changed by a new NAAQS.

III. EPA Approach to Review of Infrastructure SIP Submittals

The EPA is acting upon the SIP submission from Idaho that addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2010 NO_2 and 2010 SO_2 NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon the EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

The EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, the EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by the EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[2] The EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, the EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for the EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while the EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the CAA, which specifically address nonattainment SIP requirements.[3] Section 110(a)(2)(I) pertains to nonattainment SIP

[2] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[3] See, e.g., ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires the EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[4] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, the EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether the EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, the EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, the EPA can elect to act on such submissions either individually or in a larger combined action.[5] Similarly, the EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, the EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[6]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, the EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[7]

The EPA notes that interpretation of section 110(a)(2) is also necessary when the EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, the EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), the EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, the EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, the EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, the EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[8] The EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[9] The EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, the EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. The EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[10] The

[4] The EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[5] See, e.g., ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (the EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of the EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337) (January 22, 2013) (the EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[6] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to the EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). The EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), the EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[7] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[8] The EPA notes, however, that nothing in the CAA requires the EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not the EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[9] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[10] The EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I). The EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City,* 696 F.3d7 (D.C. Cir. 2012) which had

Continued

guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, the EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, the EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, the EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains the EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in the EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, the EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and the EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including greenhouse gases. By contrast, structural PSD program requirements do not include provisions that are not required under the EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions the EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, the EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, the EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, the EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, the EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and the EPA's policies addressing such excess emissions (''SSM''); (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by the EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of the EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007). Thus, the EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[11] It is important to note that the EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

The EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. The EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and the EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when the EPA evaluates adequacy of the infrastructure SIP submission. The EPA believes that a better approach is for states and the EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, the EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, the EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies

interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, the EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether the EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

[11] By contrast, the EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then the EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

in existing SIPs. These other statutory tools allow the EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes the EPA to issue a ''SIP call'' whenever the EPA determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[12] Section 110(k)(6) authorizes the EPA to correct errors in past actions, such as past approvals of SIP submissions.[13] Significantly, the EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude the EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, the EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[14]

IV. Analysis of the Idaho Submittals

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submittals: The Idaho submittals cite an overview of the Idaho air quality laws and regulations, including portions of the Idaho Environmental Protection and Health Act (EPHA) and the Rules for the Control of Air Pollution located at IDAPA 58.01.01. Relevant laws cited include Idaho Code Section 39–105(3)(d) which provides Idaho DEQ authority to supervise and administer a system to safeguard air quality, and Idaho Code Section 39–115 which provides Idaho DEQ with specific authority for the issuance of air quality permits. Relevant regulations include IDAPA 58.01.01.107.03 (incorporation by reference of federal regulations), IDAPA 58.01.01.200—228 (permit to construct rules), IDAPA 58.01.01.400—410 (operating permit rules), IDAPA 58.01.01.600—624 (control of open burning), IDAPA 58.01.01.625 (visible emissions requirements and testing), IDAPA 58.01.01.725 (rules for sulfur content of fuels), and IDAPA 58.01.01.460—461 (banking of emissions).

EPA analysis: The Idaho SIP incorporates by reference a number of Federal regulations, including the Federal NAAQS at 40 CFR part 50, revised as of July 1, 2012. The EPA most recently approved the incorporation by reference of these regulations at IDAPA 58.01.01.107 ''Incorporations by Reference'' on March 3, 2014 (79 FR 11711). Idaho has incorporated by reference the 2010 NO_2 and 2010 SO_2 NAAQS into Idaho regulations.

Idaho generally regulates emissions of NO_2 and SO_2 through its SIP-approved NSR permitting programs, in addition to operating permit regulations, sulfur content of fuels regulations, and rules for the control of open burning, fugitive dust, activities that generate visible emissions, and emissions banking. The EPA most recently approved revisions to Idaho's major and minor NSR permitting programs on March 3, 2014 (79 FR 11711). Idaho's NSR rules incorporate by reference the Federal non-attainment NSR regulations and Federal PSD regulations at IDAPA 58.01.204 and IDAPA 58.01.01.205 respectively. In addition to NSR permitting regulations, Idaho's Tier II operating permit regulations at IDAPA 58.01.01.400—410 require that to obtain an operating permit, the applicant must demonstrate the source will not cause or significantly contribute to a violation of any ambient air quality standard. IDAPA 58.01.01.401.03 provides that Idaho DEQ will require a Tier II source operating permit if Idaho DEQ determines emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable PSD increment.

In addition to the permitting rules described above, Idaho has adopted rules to limit and control emissions resulting from open burning (IDAPA 58.01.01.600—624) and activities that generate visible emissions (IDAPA 58.01.01.625). Idaho has also promulgated rules addressing the sulfur content of fuels (IDAPA 58.01.01.725) and banking of emissions (IDAPA 58.01.01.460—461). Based on the above analysis, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(A) for the 2010 NO_2 and 2010 SO_2 NAAQS.

We note that, in this action, we are not proposing to approve or disapprove any existing Idaho provisions with regard to excess emissions during startup, shutdown, or malfunction (SSM) of operations at a facility. The EPA believes that a number of states may have SSM provisions that are contrary to the CAA and existing EPA guidance[15] and the EPA has recently proposed action to address such state regulations.

In addition, we are not proposing to approve or disapprove any existing Idaho rules with regard to director's discretion or variance provisions. The EPA believes that a number of states may have such provisions that are contrary to the CAA and existing EPA guidance (November 24, 1987, 52 FR 45109), and the EPA plans to take action in the future to address such state regulations. In the meantime, we encourage any state having a director's discretion or variance provision that is contrary to the CAA and EPA guidance to take steps to correct the deficiency as soon as possible.

[12] For example, the EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[13] The EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). The EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[14] See, e.g., the EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

[15] For further description of the EPA's SSM Policy, *see, e.g.,* a memorandum dated September 20, 1999, titled ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown,'' from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation. Also, the EPA issued a proposed action on February 12, 2013, titled ''State Implementation Plans: Response to Petition for Rulemaking: Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to excess Emissions During Periods of Startup, Shutdown and Malfunction.'' This rulemaking responds to a petition for rulemaking filed by the Sierra Club that concerns SSM provisions in 39 states' SIPs (February 22, 2013, 78 FR 12460).

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

State submittals: The Idaho submittals reference IDAPA 58.01.01.107 and IDAPA 58.01.01.576.05 in response to this requirement. These rules incorporate by reference 40 CFR part 50 National Primary and Secondary Air Quality Standards, 40 CFR part 52 Approval and Promulgation of Implementation Plans, 40 CFR part 53 Ambient Air Monitoring Reference and Equivalent Methods, and 40 CFR part 58 Appendix B Ambient Air Quality Surveillance Quality Assurance Requirements for Prevention of Significant Deterioration. The Idaho submittals certify that under these rules Idaho meets the infrastructure requirement to implement ambient air monitoring surveillance systems in accordance with the requirements of the CAA.

The Idaho submittals reference the 2012 Idaho Annual Ambient Air Monitoring Network Plan, approved by the EPA on October 25, 2012. The Idaho submittals also reference the Web site where the Idaho DEQ provides the network plan, air quality monitoring summaries, a map of the monitoring network and real-time air monitoring data.

EPA analysis: A comprehensive air quality monitoring plan, intended to meet the requirements of 40 CFR part 58 was submitted by Idaho on January 15, 1980 (40 CFR 52.670) and approved by the EPA on July 28, 1982. This air quality monitoring plan has been subsequently updated and most recently approved by the EPA on March 10, 2014.[16] The plan includes, among other things, the locations for NO_2 and SO_2 monitoring. Idaho makes the plan available for public review on the Idaho DEQ Web site at *http://www.deq.idaho.gov/air-quality/monitoring/monitoring-network.aspx.* The Web site also includes an interactive map of Idaho's air monitoring network. Based on the foregoing, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(B) for the 2010 NO_2 and 2010 SO_2 NAAQS.

[16] Idaho Air Quality Monitoring Network Plan Approval Letter, dated March 10, 2014.

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires states have a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submittals: The Idaho submittals refer to Idaho Code Section 39–108 which provides Idaho DEQ with authority to enforce both administratively and civilly the Idaho Environmental Protection and Health Act (EPHA), or any rule, permit or order promulgated pursuant to the EPHA. Criminal enforcement is authorized at Idaho Code Section 39–109. Emergency order authority, similar to that under section 303 of the CAA, is located at Idaho Code Section 39–112. The Idaho submittals also refer to laws and regulations related to air quality permits at IDAPA 58.01.01.200—228 (permit to construct rules).

The Idaho submittals also cite the annual incorporation by reference (IBR) rulemaking which updates Idaho's SIP to include Federal changes to the NAAQS and PSD program. Idaho's submittals certify that the annual IBR updates along with IDAPA sections 200—288 (permitting requirements for new and modified sources) and 575—587 (air quality standards and area classification) meets the CAA infrastructure requirement to implement the PSD program.

EPA analysis: With regard to the requirement to have a program providing for enforcement of all SIP measures, we are proposing to find that the Idaho provisions described above provide Idaho DEQ with authority to enforce the Idaho EPHA, air quality regulations, permits, and orders promulgated pursuant to the EPHA. Idaho DEQ staffs and maintains an enforcement program to ensure compliance with SIP requirements. Idaho DEQ may issue emergency orders to reduce or discontinue emission of air contaminants where air emissions cause or contribute to imminent and substantial endangerment. Enforcement cases may be referred to the State Attorney General's Office for civil or criminal enforcement. Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(C) related to enforcement for the 2010 NO_2 and 2010 SO_2 NAAQS.

To generally meet the requirements of CAA section 110(a)(2)(C) with regard to the regulation of construction of new or modified stationary sources, a state is required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 2010 NO_2 NAAQS. As noted above, this action does not address CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR).

We most recently approved revisions to Idaho's PSD program on March 3, 2014, updating the Idaho PSD program with respect to Federal requirements for fine particulate matter implementation in attainment and unclassifiable areas (79 FR 11711). Previously on July 17, 2012, we approved a revision to the Idaho SIP to provide authority to implement the PSD permitting program with respect to greenhouse gas emissions (77 FR 41916). Idaho's PSD program implements the 2010 NO_2 and 2010 SO_2 NAAQS and incorporates by reference the Federal PSD program requirements at 40 CFR 52.21 as of July 1, 2012. As a result, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(C) with regards to PSD for the 2010 NO_2 and 2010 SO_2 NAAQS.

We note that on January 4, 2013, the U.S. Court of Appeals in the District of Columbia, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir.), issued a judgment that remanded two of the EPA's rules implementing the 1997 fine particulate matter NAAQS, including the ''Implementation of New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$),'' (73 FR 28321, May 16, 2008) (2008 $PM_{2.5}$ NSR Implementation Rule). The Court ordered the EPA to ''repromulgate these rules pursuant to subpart 4 consistent with this opinion.''*Id.* at 437. Subpart 4 of part D, title I of the CAA establishes additional provisions for particulate matter nonattainment areas. The 2008 $PM_{2.5}$ NSR Implementation Rule addressed by the court's decision promulgated NSR requirements for implementation of $PM_{2.5}$ in both nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). As the requirements of subpart 4 only pertain to nonattainment areas, the EPA does not consider the portions of the 2008 $PM_{2.5}$ NSR Implementation Rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas to be affected by the court's opinion. Moreover, the EPA does not anticipate the need to revise any PSD requirements promulgated in the 2008 $PM_{2.5}$ NSR Implementation Rule in order to comply with the Court's decision. Accordingly, the EPA's proposed approval of elements 110(a)(2)(C), (D)(i)(II), and (J), with

respect to the PSD requirements, does not conflict with the court's opinion. The EPA interprets the CAA section 110(a)(1) and (2) infrastructure submittals due three years after adoption or revision of a NAAQS to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which are due by the dates statutorily prescribed under subparts 2 through 5 under part D, extending as far as ten years following designations for some elements.

On January 22, 2013, the U.S. Court of Appeals for the District of Columbia, in *Sierra Club* v. *EPA,* 703 F.3d 458 (D.C. Cir. 2013), issued a judgment that, inter alia, vacated the provisions adding the $PM_{2.5}$ Significant Monitoring Concentration (SMC) to the Federal regulations at 51.166(i)(5)(i)(c) and 52.21(i)(5)(i)(c). as part of the Federal ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC); Final Rule'' (2010 PSD $PM_{2.5}$ Implementation Rule) (75 FR 64864). In its decision, the court held that the EPA did not have the authority to use SMCs to exempt permit applicants from the statutory requirement in section 165(e)(2) of the CAA that ambient monitoring data for $PM_{2.5}$ be included in all PSD permit applications. Thus, although the $PM_{2.5}$ SMC was not a required element of a state's PSD program, where a state PSD program contains such a provision and allows issuance of new permits without requiring ambient $PM_{2.5}$ monitoring data, such application of the vacated SMC would be inconsistent with the court's opinion and the requirements of section 165(e)(2) of the CAA.

At the EPA's request, the decision also vacated and remanded to the EPA for further consideration the portions of the 2010 PSD $PM_{2.5}$ Implementation Rule that revised 40 CFR 51.166 and 40 CFR 52.21 related to SILs for $PM_{2.5}$. The EPA requested this vacatur and remand of two of the three provisions in the EPA regulations that contain SILs for $PM_{2.5}$ because the wording of these two SIL provisions (40 CFR 51.166(k)(2) and 40 CFR 52.21(k)(2)) is inconsistent with the explanation of when and how SILs should be used by permitting authorities that we provided in the preamble to the **Federal Register** publication when we promulgated these provisions. The third SIL provision (40 CFR 51.165(b)(2)) was not vacated and remains in effect. We also note that the court's decision does not affect the PSD increments for $PM_{2.5}$ promulgated as part of the 2010 PSD $PM_{2.5}$ Implementation Rule.

The EPA recently amended its regulations to remove the vacated $PM_{2.5}$ SILs and SMC provisions from the PSD regulations (December 9, 2013, 78 FR 73698). The EPA will initiate a separate rulemaking regarding the $PM_{2.5}$ SILs that will address the court's remand. In our previous action on March 3, 2014, we disapproved Idaho's incorporation by reference of the vacated $PM_{2.5}$ SILs and SMC provisions into the Idaho SIP (79 FR 11711). This action takes no additional action with respect to those SIP provisions that were previously disapproved. In this action we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(C), (D)(i)(II) and (J) as those elements relate to a comprehensive PSD program.

With regard to the minor NSR requirement of this element, the EPA has determined that Idaho's minor NSR permitting program regulates NO_2 and SO_2 emissions from minor sources. Based on the foregoing, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(C) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(D): Interstate Transport

CAA section 110(a)(2)(D)(i) requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance of the NAAQS in another state (CAA section 110(a)(2)(D)(i)(I)). Further, this section requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration (PSD) of air quality, or from interfering with measures required to protect visibility (i.e. measures to address regional haze) in any state (CAA section 110(a)(2)(D)(i)(II)).

State submittals: The Idaho submittals did not address CAA section 110(a)(2)(D)(i)(I). In accordance with the panel of the U.S. Court of Appeals for the D.C. Circuit opinion, at this time, CAA section 110(a)(2)(D)(i)(I) SIP submissions from the State of Idaho for the 2010 NO_2 and 2010 SO_2 NAAQS are not required SIP submissions. *See EME Homer City Generation, L.P.* v. *EPA, 696 F .3d 7 (D.C. Cir. 2012), cert granted, 2013 U.S. Lexis 4801 (2013).* Unless the *EME Homer City* decision is reversed or otherwise modified by the Supreme Court, which granted review of the case on June 24, 2013, and heard oral argument on December 10, 2013, states are not required to submit 110(a)(2)(D)(i)(I) SIPs until the EPA has quantified their obligations under that section. The portions of the SIP submissions relating to 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii), in contrast, are required.

For purposes of CAA 110(a)(2)(D)(i)(II), the submittals referenced Idaho's SIP-approved PSD program and Idaho's Regional Haze SIP submitted to the EPA on October 25, 2010. CAA section 110(a)(2)(D)(ii) is discussed below.

EPA analysis: The EPA believes that the CAA section 110(a)(2)(D)(i)(II) PSD sub-element may be met by the State's confirmation in the submittal that new major sources and major modifications in the State are subject to a SIP-approved PSD program. We most recently approved revisions to Idaho's PSD program on March 3, 2014, updating the Idaho PSD program with respect to Federal requirements for fine particulate matter implementation in attainment and unclassifiable areas (79 FR 11711). In addition, on July 17, 2012, we approved a revision to the Idaho SIP to provide authority to implement the PSD permitting program with respect to greenhouse gas emissions (77 FR 41916). Idaho's PSD program implements the 2010 NO_2 and 2010 SO_2 NAAQS and incorporates the Federal PSD program regulations at 40 CFR 52.21 by reference as of July 1, 2012. As discussed above in section 110(a)(2)(C), we believe that our proposed approval of element 110(a)(2)(D)(i)(II) is not affected by recent court vacaturs of EPA PSD implementing regulations. Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) with regards to PSD for the 2010 NO_2 and 2010 SO_2 NAAQS.

The EPA believes that, with regard to the CAA section 110(a)(2)(D)(i)(II) visibility sub-element, the requirement may be satisfied by an approved SIP addressing regional haze. The Idaho submittals reference the Idaho Regional Haze SIP, submitted to the EPA on October 25, 2010, which addresses visibility impacts across states within the region. On June 9, 2011, we approved a SIP revision which provides Idaho DEQ the authority to address regional haze and to implement best available retrofit technology (BART) requirements (76 FR 33651). Subsequently on June 22, 2011, we approved portions of the Idaho Regional Haze SIP, including the requirements for BART (76 FR 36329). Finally, on

November 8, 2012, we approved the remainder of the Idaho Regional Haze SIP, including those portions that address CAA provisions that require states to set Reasonable Progress Goals for their Class I areas, and to develop a Long Term Strategy to achieve these goals (77 FR 66929).

The EPA is proposing to find that as a result of the prior approval of the Idaho regional haze SIP, the Idaho SIP contains adequate provisions to address 110(a)(2)(D)(i)(II) visibility requirements with respect to the 2010 NO_2 and 2010 SO_2 NAAQS. Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) as it applies to visibility for the 2010 NO_2 and 2010 SO_2 NAAQS.

Interstate and international transport provisions: CAA section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). Specifically, CAA section 126(a) requires new or modified major sources to notify neighboring states of potential impacts from the source.

EPA analysis: We most recently approved revisions to the Idaho PSD program on March 3, 2014, updating the Idaho PSD program for fine particulate matter NAAQS implementation in attainment and unclassifiable areas (79 FR 11711). In addition, on July 17, 2012, the EPA approved a revision to the Idaho SIP to provide authority to implement the PSD permitting program with respect to greenhouse gas emissions (77 FR 41916). The Idaho PSD program implements the 2010 NO_2 and 2010 SO_2 NAAQS and incorporates the Federal PSD program regulations at 40 CFR 52.21 by reference as of July 1, 2012. IDAPA 58.01.01.209 (procedures for issuing permits) includes required procedures for issuing permits for new sources, including procedures for public processes, and notice to appropriate Federal, state and local agencies, consistent with the requirements of the Federal PSD program. Idaho issues notice of its draft permits and neighboring states consistently receive copies of those drafts. Idaho also has no pending obligations under CAA section 115 or 126(b) of the CAA. Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(D)(ii) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires states to provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of Federal or state law from carrying out the SIP or portion thereof), (ii) requirements that the state comply with the requirements respecting state boards under section 128 and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of such SIP provision.

State submittals: The Idaho submittals refer to Idaho Code Section 39–106, which gives the Idaho DEQ Director authority to hire personnel to carry out duties of the department. In addition, the submittals reference Idaho Code 39–107, which establishes the State's Board of Environmental Quality, Idaho Code Title 59 Chapter 7 (Ethics in Government Act), and Executive Order 2013–06 which addresses composition requirements of the Idaho Board of Environmental Quality. Finally, the Idaho submittals reference Idaho Code Section 39–129, which authorizes Idaho DEQ to enter into binding agreements with local governments that are enforceable as orders.

EPA analysis: We are proposing to find that the above-referenced provisions provide Idaho DEQ with adequate authority to carry out SIP obligations with respect to the 2010 NO_2 and 2010 SO_2 NAAQS as required by CAA section 110(a)(2)(E)(i). With regard to CAA section 110(a)(2)(E)(ii), we previously approved a revision to the Idaho SIP for purposes of meeting CAA section 128 and CAA section 110(a)(2)(E)(ii) on October 24, 2013 (78 FR 63394). Finally, we are proposing to find that Idaho has provided necessary assurances that, where Idaho has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, Idaho has responsibility for ensuring adequate implementation of the SIP with regards to the 2010 NO_2 and 2010 SO_2 NAAQS as required by CAA section 110(a)(2)(E)(iii). Therefore we are proposing to approve the Idaho SIP as meeting the requirements of CAA sections 110(a)(2)(E) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the CAA, which reports shall be available at reasonable times for public inspection.

State submittals: The Idaho submittals reference the following provisions: IDAPA 58.01.01.157, which includes source testing methods and procedures; IDAPA 58.01.01.121, which outlines Idaho DEQ authority to require monitoring, recordkeeping and periodic reporting related to source compliance; IDAPA 58.01.01.122, which provides Idaho DEQ authority to issue information orders and orders to conduct source emissions monitoring, record keeping, reporting and other requirements; IDAPA 58.01.01.157, which outlines test methods and procedures for source testing and reporting to the Idaho DEQ; IDAPA 58.01.01.211, which contains conditions for permits to construct; IDAPA 58.01.01.209, which contains procedures for issuing permits to construct, including public processes; IDAPA 58.01.01.404, which contains procedures for issuing Tier II operating permits, including public processes; and Idaho Code 9–342A and IDAPA 58.01.21 which address public records. The Idaho submittals also state that Idaho reports emissions data for the six criteria pollutants to the EPA's National Emissions Inventory, which is updated every three years.

EPA analysis: The provisions cited in the Idaho submittals establish compliance requirements for sources subject to major and minor source permitting to monitor emissions, keep and report records, and collect ambient air monitoring data. The provisions cited also provide Idaho DEQ authority to issue orders to collect additional information as needed for Idaho DEQ to ascertain compliance. In addition, IDAPA 58.01.01.211 (conditions for permits to construct) and 58.01.01.405 (conditions for tier II operating permits) provide Idaho DEQ authority to establish permit conditions requiring instrumentation to monitor and record emissions data, and instrumentation for ambient monitoring to determine the effect emissions from the stationary source or facility may have, or are having, on the air quality in any area affected by the stationary source or facility. This information is made available to the public through public processes outlined at IDAPA 58.01.01.209 (procedures for issuing permits) for permits to construct and

58.01.01.404 (procedures for issuing permits) for Tier II operating permits.

Additionally, the State is required to submit emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through the EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and their associated precursors—nitrogen oxides, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. Many states also voluntarily report emissions of hazardous air pollutants. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *http://www.epa.gov/ttn/chief/eiinformation.html*.

Based on the analysis above, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(F) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including adequate contingency plans to implement the emergency episode provisions in their SIPs.

State submittals: The Idaho submittals cite Idaho Code 39–112 which provides emergency order authority comparable to that in CAA section 303. In addition, the submittals cite the Idaho Air Pollution Emergency Rules (IDAPA 58.01.01.550–562).

EPA analysis: CAA section 303 provides authority to the EPA Administrator to restrain any source from causing or contributing to emissions which present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' We find that Idaho Code Section 112 provides the Idaho DEQ Director with comparable authority.

The Idaho air pollution emergency rules at IDAPA 58.01.01.550–562 were previously approved by the EPA on January 16, 2003 (68 FR 2217). Idaho's air pollution emergency rules include NO_2 and SO_2, establish stages of episode criteria, provide for public announcement whenever any episode stage has been determined to exist, and specify emission control actions to be taken at each episode stage, consistent with the EPA emergency episode SIP requirements set forth at 40 CFR part 51 subpart H (prevention of air pollution emergency episodes, sections 51.150 through 51.153) for NO_2 and SO_2. Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the SIP is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements under the CAA.

State submittals: The Idaho submittals refer to Idaho Code Sections 39–105(2) and (3)(d) which provide Idaho DEQ with broad authority to revise rules, in accordance with Idaho administrative procedures for rulemaking, to meet national ambient air quality standards as incorporated by reference in IDAPA 58.01.01.107. The Idaho submittals also refer to IDAPA 58.01.01.575 through 587 which establish and define acceptable ambient concentrations consistent with established criteria.

EPA analysis: We find that Idaho has adequate authority to regularly update the SIP to take into account revisions of the NAAQS and other related regulatory changes. In practice, Idaho regularly updates the SIP for purposes of NAAQS revisions and other related regulatory changes. We most recently approved revisions to the Idaho SIP on March 3, 2014 (79 FR 11711). Idaho has incorporated by reference the 2010 NO_2 and 2010 SO_2 NAAQS into the Idaho SIP. Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(H) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but are rather due at the time of the nonattainment area plan requirements pursuant to section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) Submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation with government officials: CAA section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to section 121. CAA section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires states to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submittals: The Idaho submittals refer to laws and regulations relating to public participation processes for SIP revisions and permitting programs. The submittals refer to IDAPA 58.01.01.209 and 404 which provide for public processes related to new source construction permitting and Tier II operating permits. The submittals also refer to Idaho Code Section 39–105(3)(c) which promotes outreach with local governments and Idaho Code Section 39–129 which provides authority for Idaho DEQ to enter into agreements with local governments. In addition, the Idaho submittals reference the Idaho transportation conformity rules and regional haze rules which provide for consultation processes. With regard to public notification, the Idaho submittals state that Idaho DEQ submits information to EPA's AIRNOW program and provides daily air quality index scores for many locations throughout Idaho. Finally, with regards to PSD, the submittals reference the Idaho rules for major source permitting at IDAPA 58.01.01.200 through 223, including PSD requirements for sources in attainment and unclassifiable areas.

EPA analysis: The Idaho SIP includes specific provisions for consulting with local governments and Federal Land Managers as specified in CAA section

121, including the Idaho rules for major source PSD permitting. The EPA most recently approved Idaho permitting rules at IDAPA 58.01.01.209 and 58.01.01.404, which provide opportunity and procedures for public comment and notice to appropriate Federal, state and local agencies, on November 26, 2010 (75 FR 47530). We most recently approved Idaho's rules that define transportation conformity consultation on April 12, 2001 (66 FR 18873), and Idaho's regional haze rules on June 9, 2011 (76 FR 33651). In practice, Idaho DEQ routinely coordinates with local governments, states, Federal Land Managers and other stakeholders on air quality issues including permitting action, transportation conformity, and regional haze. Therefore, we are proposing to find that the Idaho SIP meets the requirements of CAA section 110(a)(2)(J) for consultation with government officials for the 2010 NO_2 and 2010 SO_2 NAAQS.

CAA section 110(a)(2)(J) also requires the public be notified if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. The EPA calculates an air quality index for five major air pollutants regulated by the CAA: ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. The EPA AIRNOW program provides this air quality index daily to the public, including health effects and actions members of the public can take to reduce air pollution. Idaho actively participates and submits information to the AIRNOW program, in addition to the EPA's Enviroflash Air Quality Alert program. Idaho DEQ also provides the daily air quality index to the public on the DEQ Web site at *http://www.deq.idaho.gov/air/aqindex.cfm*, as well as measures that can be taken to prevent exceedances. Therefore, we are proposing to find that the Idaho SIP meets the requirements of CAA section 110(a)(2)(J) for public notification for the 2010 NO_2 and 2010 SO_2 NAAQS.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C of title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) with respect to permitting. The EPA most recently approved revisions to the State's PSD program on March 3, 2014, updating the Idaho PSD program with respect to Federal requirements for fine particulate matter implementation in attainment and unclassifiable areas (79 FR 11711). In addition, on July 17, 2012, we approved a revision to the Idaho SIP to provide authority to implement the PSD permitting program with respect to greenhouse gas emissions (77 FR 41916). The State's PSD program implements the 2010 NO_2 and 2010 SO_2 NAAQS and incorporates by reference the Federal PSD program regulations at 40 CFR 52.21 as of July 1, 2012. We believe that our proposed approval of element 110(a)(2)(J) is not affected by recent court vacaturs of EPA PSD implementing regulations. Please see our discussion at section 110(a)(2)(C). Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(J) with respect to PSD for the 2010 NO_2 and 2010 SO_2 NAAQS.

With regard to the applicable requirements for visibility protection, the EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus we find that there is no new applicable requirement relating to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective. Based on the above analysis, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(J) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(K): Air Quality and Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submittals: The Idaho submittals state that air quality modeling is conducted during development of revisions to the SIP, as appropriate for Idaho to demonstrate attainment with required air quality standards. Idaho cites IDAPA 58.01.01.202.02 and IDAPA 58.01.01.402.03 which address permit to construct and Tier II operating permit application procedures and modeling requirements for estimating ambient concentrations, respectively. Modeling is also addressed in Idaho's source permitting process as discussed at section 110(a)(2)(A) above. Estimates of ambient concentrations are based on requirements specified in 40 CFR part 51, Appendix W (Guidelines on Air Quality Models) which is incorporated by reference at IDAPA 58.01.01.107.

EPA analysis: We most recently approved IDAPA 58.01.01.107 (incorporations by reference) on March 3, 2014 (79 FR 11711). This rule incorporates by reference the following EPA regulations: Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR part 51; National Primary and Secondary Ambient Air Quality Standards, 40 CFR part 50; Approval and Promulgation of Implementation Plans, 40 CFR part 52; Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR part 53; and Ambient Air Quality Surveillance, 40 CFR part 58 revised as of July 1, 2012. Idaho has incorporated by reference the 2010 NO_2 and 2010 SO_2 NAAQS into Idaho regulations. Idaho models estimates of ambient concentrations based on 40 CFR part 51 Appendix W (Guidelines on Air Quality Models). To cite an example of a SIP supported by substantial modeling, the EPA approved the PM_{10} Maintenance Plan for Northern Ada County/Boise Idaho Area on October 27, 2003 (68 FR 61106). Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(K) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit, until such time as the SIP fee requirement is superseded by the EPA's approval of the state's title V operating permit program.

State submittals: The Idaho submittals refer to IDAPA 58.01.01.387 through 397, which sets the requirements for the annual registration of Tier I (title V) sources and the annual assessment and payment of fees to support the Tier I permitting program. The EPA approved Idaho's title V permitting program on October 4, 2001 (66 FR 50574). The submittals also reference IDAPA 58.01.01.407 through 409 which set the requirements for Tier II operating permit processing fees and usage.

EPA analysis: We approved Idaho's title V program on October 4, 2001 (66 FR 50574) with an effective date of November 5, 2001. While Idaho's operating permit program is not formally approved into the State's SIP, it is a legal mechanism the State can use to ensure that Idaho DEQ has sufficient resources to support the air program, consistent with the requirements of the SIP. Before the EPA can grant full approval, a state must demonstrate the

ability to collect adequate fees. Idaho's title V program included a demonstration the State will collect a fee from title V sources above the presumptive minimum in accordance with 40 CFR 70.9(b)(2)(i). Idaho regulations require permitting fees for major sources subject to new source review, as specified at IDAPA 58.01.01.224 through 227. Therefore, we are proposing to conclude that Idaho has satisfied the requirements of CAA section 110(a)(2)(L) for the 2010 NO_2 and 2010 SO_2 NAAQS.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submittals: The Idaho submittals reference IDAPA 58.01.01.209, 364 and 404 which provide for the public processes related to developing and issuing air quality permits. In addition, the submittals reference the transportation conformity consultation and public processes at IDAPA 58.01.01.563 through 574. Finally, the submittals reference the consultation and participation process outlined in 40 CFR 51.102, incorporated by reference at IDAPA 58.01.01.107.

EPA analysis: The EPA most recently approved IDAPA 58.01.01.107 (incorporations by reference), which incorporates by reference EPA regulations at 40 CFR part 51—Requirements for Preparation, Adoption, and Submittal of Implementation Plans on March 3, 2014 (79 FR 11711). In addition, we most recently approved Idaho permitting rules at IDAPA 58.01.01.209 and 58.01.01.404, which provide opportunity and procedures for public comment and notice to appropriate Federal, state and local agencies, on November 26, 2010 (75 FR 47530). Finally, we approved the State rules that define transportation conformity consultation on April 12, 2001 (66 FR 18873). Therefore, we are proposing to approve the Idaho SIP as meeting the requirements of CAA section 110(a)(2)(M) for the 2010 NO_2 and 2010 SO_2 NAAQS.

V. Proposed Action

The EPA is proposing to find that the Idaho SIP meets the following CAA section 110(a)(2) infrastructure elements for the 2010 NO_2 and 2010 SO_2 NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). This action is being taken under section 110 of the CAA.

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by Reference, Nitrogen dioxide, Ozone, Particulate Matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: March 27, 2014.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2014–08609 Filed 4–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0018, FRL–9909–46–Region 10]

Approval and Promulgation of Implementation Plans; Oregon: Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve part of the December 27, 2013, State Implementation Plan (SIP) submittal from Oregon for purposes of meeting the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for lead (Pb) on October 15, 2008. The CAA requires that each state, after a new or revised NAAQS is promulgated, review their SIP to ensure that it meets the infrastructure requirements necessary to implement the new or revised NAAQS. The EPA is proposing to find that the Oregon SIP meets the CAA infrastructure requirements for the 2008 Pb NAAQS.

DATES: Comments must be received on or before May 19, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2014–0018, by any of the following methods:

- Email: *R10-Public_Comments@epa.gov.*
- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Mail: Kristin Hall, EPA Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- Hand Delivery: EPA Region 10 Mailroom, 9th Floor, 1200 Sixth

Avenue, Suite 900, Seattle, WA 98101. Attention: Kristin Hall, Office of Air, Waste and Toxics, AWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2014–0018. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at: (206) 553–6357, *hall.kristin@epa.gov*, or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA. Information is organized as follows:

Table of Contents

I. Background
II. CAA Sections 110(a)(1) and (2) Infrastructure Elements
III. EPA Approach to Review of Infrastructure SIP Submittals
IV. Analysis of the State Submittal
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. Background

On October 15, 2008, the EPA revised the level of the primary and secondary Pb NAAQS from 1.5 micrograms per cubic meter (μg/m^3) to 0.15 μg/m^3. The CAA requires SIPs meeting the requirements of sections 110(a)(1) and (2) be submitted by states within three years after promulgation of a new or revised standard. CAA sections 110(a)(1) and (2) require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the standards, so-called ''infrastructure'' requirements. States were required to submit such SIPs for the 2008 Pb NAAQS to the EPA no later than October 15, 2011.

To help states meet this statutory requirement, the EPA issued guidance to address infrastructure SIP elements under CAA sections 110(a)(1) and (2).[1] As noted in the guidance, to the extent an existing SIP already meets the CAA section 110(a)(2) requirements, states may certify that fact in a letter to the EPA. The certification should address each CAA section 110(a)(2) infrastructure element as applicable to the 2008 Pb NAAQS. The certification should include documentation demonstrating a correlation between each 110(a)(2) infrastructure element and an equivalent state statutory authority in the existing or submitted SIP. As for all SIP submittals, a state should provide reasonable public notice of, and an opportunity for a public hearing on, the certification before it is submitted to the EPA.

CAA section 110(a) imposes the obligation upon states to make a SIP submission to the EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In the case of the 2008 Pb NAAQS, states typically have met the basic infrastructure elements set out in CAA section 110(a)(2) through earlier SIP submissions.

On December 27, 2013, the State of Oregon made a submittal to the EPA to meet the requirements of CAA section 110(a)(1) and (2) infrastructure elements for the 2008 Pb NAAQS, 2010 nitrogen dioxide NAAQS, and 2010 sulfur dioxide NAAQS. We note that this action is only addressing the portion of the submittal related to the 2008 Pb NAAQS. We will address the remainder of the submittal in a separate action.

The submittal included an analysis of Oregon's SIP as it relates to each section of the CAA section 110(a)(2) infrastructure elements for the 2008 Pb NAAQS. Oregon provided notice and an opportunity for public comment on the submittal from July 15, 2013, through August 15, 2013. A notice of public hearing was published in the *Oregonian* on July 15, 2013. The State held a public hearing on August 15, 2013, in Portland, Oregon. Comments received during the comment period and the State's responses were included in the submittal. We have evaluated Oregon's submittal and have determined that Oregon met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA.

II. CAA Sections 110(a)(1) and (2) Infrastructure Elements

CAA section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. CAA section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. These requirements include SIP infrastructure elements such as modeling, monitoring, and enforcement that are designed to assure attainment and maintenance of the NAAQS. The requirements, with their corresponding CAA subsection, are listed below:

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.[2]

[1] Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards.'' Memorandum to EPA Air Division Directors, Regions I–X, October 14, 2011.

[2] Oregon's submittal does not address CAA section 110(a)(2)(D)(i)(I). In accordance with the panel of the U.S. Court of Appeals for the D.C. Circuit opinion, the EPA does not consider an Oregon 110(a)(2)(D)(i)(I) SIP for the 2008 Pb NAAQS as a required submittal at this time. *See EME Homer City generation, L.P.* v. *EPA, 696 F .3d*

- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency power.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and meet the applicable requirements of part D.
- 110(a)(2)(J): Consultation with government officials; public notification; and Prevention of Significant Deterioration (PSD) and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

The EPA's October 14, 2011, guidance restated our interpretation that two elements identified in CAA section 110(a)(2) are not governed by the three-year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather, are due at the time the nonattainment area plan requirements are due pursuant to CAA section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR) or CAA section 110(a)(2)(I). Furthermore, the EPA interprets the CAA section 110(a)(2)(J) provision on visibility as not being triggered by a new NAAQS because the visibility requirements in part C, title I of the CAA are not changed by a new NAAQS.

III. EPA Approach to Review of Infrastructure SIP Submittals

The EPA is acting upon the portion of the SIP submission from Oregon that addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2008 Pb NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon the EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

The EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, the EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by the EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[3] The EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, the EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for the EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while the EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the CAA, which specifically address nonattainment SIP requirements.[4] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires the EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[5] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, the EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether the

7 (D.C. Cir. 2012), *cert. granted,* 2013 U.S. Lexis 4801 (2013). Unless the *EME Homer City* decision is reversed or otherwise modified by the Supreme Court, which granted review of the case on June 24, 2013 and heard oral argument on December 10, 2013, states are not required to submit 110(a)(2)(D)(i)(I) SIPs until the EPA has quantified their obligations under that section. The portions of the Oregon SIP submittal relating to 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii), in contrast, are required. In this notice, we are proposing to approve Oregon's submittal for purposes of 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) for the 2008 Pb NAAQS.

[3] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[4] See, e.g., ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[5] The EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, the EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, the EPA can elect to act on such submissions either individually or in a larger combined action.[6] Similarly, the EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, the EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[7]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, the EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[8]

The EPA notes that interpretation of section 110(a)(2) is also necessary when the EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, the EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), the EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, the EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, the EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, the EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[9] The EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[10] The EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, the EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. The EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[11] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, the EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, the EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, the EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the

[6] See, e.g., ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (the EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of the EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337) (January 22, 2013) (the EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[7] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to the EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). The EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), the EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[8] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[9] The EPA notes, however, that nothing in the CAA requires the EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not the EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[10] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[11] The EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I). The EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City,* 696 F.3d7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, the EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether the EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains the EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in the EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, the EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and the EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including greenhouse gases. By contrast, structural PSD program requirements do not include provisions that are not required under the EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions the EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, the EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, the EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, the EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, the EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and the EPA's policies addressing such excess emissions (''SSM''); (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by the EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of the EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007). Thus, the EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[12] It is important to note that the EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

The EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. The EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and the EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when the EPA evaluates adequacy of the infrastructure SIP submission. The EPA believes that a better approach is for states and the EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, the EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, the EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow the EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes the EPA to issue a ''SIP call'' whenever the EPA determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[13] Section 110(k)(6) authorizes the EPA to correct errors in past actions, such as past approvals of SIP submissions.[14]

[12] By contrast, the EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then the EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[13] For example, the EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[14] The EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). The EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051

Continued

Significantly, the EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude the EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, the EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[15]

IV. Analysis of the State Submittal

The Oregon submittal lists specific provisions of the Oregon Revised Statutes (ORS) Chapter 468 Environmental Quality Generally, Public Health and Safety, General Administration; ORS Chapter 468A Air Quality, Public Health and Safety, Air Quality Control; Oregon Administrative Rules (OAR) Chapter 340, and the Oregon SIP. The specific sections are listed below, with a discussion of how the Oregon SIP meets the requirements of the CAA section 110(a)(2) infrastructure elements.

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submittal: Oregon's submittal cites multiple Oregon air quality laws and SIP-approved regulations to address this element for the 2008 Pb NAAQS. ORS 468A.035 ''General Comprehensive Plan'' provides authority to the Oregon Department of Environmental Quality (ODEQ) to develop a general comprehensive plan for the control or abatement of air pollution. ORS 468A.020 ''Rules and Standards'' gives the State Environmental Quality Commission (EQC) authority to adopt rules and standards to perform functions vested by law. ORS 468A.025 ''Air Purity Standards'' provides the EQC with authority to set air quality standards, emission standards, and emission treatment and control provisions. ORS 468A.040 ''Permits; Rules'' provides that the EQC may require permits for specific sources, type of air contaminant or specific areas of the State. The Oregon submittal cites the following additional laws and regulations:

- ORS 468A.045 ''Activities Prohibited without Permit; Limit on Activities with Permit''
- ORS 468A.050 ''Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees''
- ORS 468A.055 ''Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal''
- ORS 468A.070 ''Measurement and Testing of Contamination Sources; Rules''
- ORS 468A.310 ''Federal Operating Permit Program Approval; Rules; Content of Plan''
- ORS 468A.315 ''Emission Fees for Major Sources; Base Fees; Basis of Fees; Rules''
- ORS 468A.350–455 ''Motor Vehicle Pollution Control''
- ORS 468A.365 ''Certification of Motor Vehicle Pollution Control Systems and Inspection of Motor Vehicles; Rules''
- ORS 468A.400 ''Fees; collection; Use; Motor Vehicle Pollution Control''
- ORS 468A.990 ''Penalties for Air Pollution Offenses''
- ORS 815 ''Vehicle Equipment Generally; Oregon Vehicle Code; General Provisions''
- OAR 340–200 ''General Air Pollution Procedures and Definitions''
- OAR 340–202 ''Ambient Air Quality Standards and PSD Increments''
- OAR 340–204 ''Designation of Air Quality Areas''
- OAR 340–216 ''Air Contaminant Discharge Permits''
- OAR 340–222 ''Stationary Source Plant Site Emission Limits''
- OAR 340–224 ''Major New Source Review''
- OAR 340–225 ''Air Quality Analysis Requirements''
- OAR 340–228 ''Requirements for Fuel Burning Equipment and Fuel Sulfur Content''
- OAR 340–234 ''Emission Standards for Wood Products Industries: Emission Limitations''
- OAR 340–236 ''Emission Standards for Specific Industries: Emission Limits''
- OAR 340–250 ''General Conformity''
- OAR 340–252 ''Transportation Conformity''
- OAR 340–256 ''Motor Vehicles''
- OAR 340–258 ''Motor Vehicle Fuel Specifications''
- OAR 340–268 ''Emission Reduction Credits''

The submittal includes revisions to Division 200 ''General Air Pollution Procedures and Definitions'' and Division 202 ''Ambient Air Quality Standards and PSD Increments.'' With respect to Division 200, the submittal revises OAR 340–200–0020 ''General Air Quality Definitions, Table 1—Significant Air Quality Impact'' to add significant impact levels to the table for purposes of implementing the Oregon source permitting program for the 1-hour NO_2 and 1-hour SO_2 NAAQS. The submittal also revises OAR 340–200–0040 ''State of Oregon Clean Air Act Implementation Plan'' to reflect the date last modified, specifically October 16, 2013. With respect to Division 202, the submittal revises OAR 340–202–0070 ''Sulfur Dioxide,'' OAR 340–202–0010 ''Nitrogen Dioxide,'' and OAR 340–202–0130 ''Ambient Air Quality Standard for Lead'' to align with the revised Federal NAAQS. The submittal also adds OAR 340–202–0020 ''Applicability'' to clarify that Lane County Lane Regional Air Protection Agency (LRAPA) implements Division 202 in Lane County, unless LRAPA has adopted rules that are at least as strict.

EPA analysis: The EPA does not consider SIP requirements triggered by the nonattainment area mandates in part D, title I of the CAA to be governed by the submission deadline of CAA section 110(a)(1). Regulations and other control measures for purposes of attainment planning under part D, title I of the CAA are due on a different schedule than infrastructure SIPs. In addition, Oregon has no areas designated nonattainment for the 2008 Pb NAAQS and generally regulates emissions of Pb through its SIP-approved major and minor new source review (NSR) permitting programs, and other SIP-approved regulations cited above.

On December 27, 2011, the EPA approved an Oregon SIP revision to adopt the 2008 Pb NAAQS at OAR 340–202–0130 ''Ambient Air Quality Standard for Lead'' (76 FR 80747). In the same action, we approved revisions to update Oregon's major and minor NSR permitting programs for fine particulate matter, among other things. In the December 27, 2013, submittal, Oregon revises OAR 340–202–0130 ''Ambient

(November 3, 2009) (corrections to Arizona and Nevada SIPs).

[15] See, e.g., the EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

Air Quality Standard for Lead'' to include more specific language on the form of the standard and the appropriate reference method for determining compliance with the standard. The submittal also adds OAR 340–202–0020 ''Applicability'' to clarify that Lane Regional Air Protection Agency (LRAPA) implements Division 202 in Lane County, unless LRAPA has SIP-approved rules specific to its jurisdiction that are at least as strict.

Based on the above, we are proposing to approve the revision to OAR 340–202–0130 ''Ambient Air Quality Standard for Lead'' and the addition of OAR 340–202–0020 ''Applicability.'' We are taking no action on the rule revisions to OAR 340–200–0020 ''General Air Quality Definitions, Table 1—Significant Air Quality Impact,'' OAR 340–202–0070 ''Sulfur Dioxide,'' and OAR 340–202–0100 ''Nitrogen Dioxide'' because the revisions are outside the scope of this Pb infrastructure action. We intend to address the NO_2 and SO_2 revisions in a separate action.

Additionally, we are not approving the submitted revision to OAR 340–200–0040 ''State of Oregon Clean Air Act Implementation Plan'' because it is unnecessary to take action on a provision addressing State SIP adoption procedures and because the relevant SIP provisions have been separately submitted and approved. Based on the above analysis, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(A) for the 2008 Pb NAAQS.

We note that, in this action, we are not proposing to approve or disapprove any existing State provisions with regard to excess emissions during startup, shutdown, or malfunction (SSM) of operations at a facility. The EPA believes that a number of states may have SSM provisions that are contrary to the CAA and existing EPA guidance [16] and the EPA plans to address such state regulations. In the meantime, we encourage any state having a deficient SSM provision to take steps to correct it as soon as possible.

In addition, we are not proposing to approve or disapprove any existing State rules with regard to director's discretion or variance provisions. The EPA believes that a number of states may have such provisions that are contrary to the CAA and existing EPA guidance (November 24, 1987, 52 FR 45109), and the EPA plans to take action in the future to address such state regulations. In the meantime, we encourage any state having a director's discretion or variance provision that is contrary to the CAA and the EPA guidance to take steps to correct the deficiency as soon as possible.

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

State submittal: The Oregon submittal references ORS 468.035(a-e, m) ''Functions of the Department'' which provides authority to conduct and supervise inquiries and programs to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc) to meet these responsibilities. Oregon also references OAR 340–212 ''Stationary Source Testing and Monitoring'' regulations.

EPA analysis: A comprehensive air quality monitoring plan, intended to meet the requirements of 40 CFR part 58 was submitted by Oregon to the EPA on December 27, 1979 (40 CFR 52.1970) and approved by the EPA on March 4, 1981 (46 FR 15136). This air quality monitoring plan has been subsequently updated and most recently approved by the EPA on March 10, 2014.[17] This plan includes, among other things, the locations for Pb monitoring. Oregon provides an annual air quality data report to the public at *http://www.deq.state.or.us/aq/forms/annrpt.htm.* Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(B) for the 2008 Pb NAAQS.

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submittal: The Oregon submittal refers to ORS 468.090–140 ''Enforcement'' which provides ODEQ with authority to investigate complaints, investigate and inspect sources for compliance, access records, commence enforcement procedures, and impose civil penalties. In addition, ORS 468.035 ''Functions of the Department,'' paragraphs (j) and (k), provide ODEQ with authority to enforce Oregon air pollution laws and compel compliance with any rule, standard, order, permit or condition. In addition to these statutes, the submittal cites the following Oregon laws and regulations:

- ORS 468.020 ''Rules and Standards''
- ORS 468.065 ''Issuance of Permits; Consent; Fees; Use''
- ORS 468.070 ''Denial, Modification, Suspension or Revocation of Permits''
- ORS 468.920–963 ''Environmental Crimes''
- ORS 468.996–997 ''Civil Penalties''
- ORS 468A.025 ''Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules''
- ORS 468A.035 ''General Comprehensive Plan''
- ORS 468A.040 ''Permits; Rules''
- ORS 468A.045 ''Activities Prohibited without Permit; Limit on Activities with Permit''
- ORS 468A.050 ''Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees''
- ORS 468A.055 ''Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal''
- ORS 468A.070 ''Measurement and Testing of Contamination Sources; Rules''
- ORS 468A.310 ''Federal Operating Permit Program Approval; Rules; Content of Plan''
- ORS 468A.990 ''Penalties for Air Pollution Offenses''
- OAR 340–012 ''Enforcement Procedure and Civil Penalties''
- OAR 340–202 ''Ambient Air Quality Standards and PSD Increments''
- OAR 340–210 ''Stationary Source Notification Requirements''
- OAR 340–214 ''Stationary Source Reporting Requirements''
- OAR 340–216 ''Air Contaminant Discharge Permits (ADCP)''
- OAR 340–224 ''Major New Source Review''

EPA analysis: The EPA is proposing to find that the Oregon code provisions referenced above provide ODEQ with

[16] For further description of the EPA's SSM Policy, *see, e.g.,* a memorandum dated September 20, 1999, titled ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown,'' from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation. Also, the EPA issued a proposed action on February 12, 2013, titled ''State Implementation Plans: Response to Petition for Rulemaking: Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction.'' This rulemaking responds to a petition for rulemaking filed by the Sierra Club that concerns SSM provisions in 39 states' SIPs (February 22, 2013, 78 FR 12460).

[17] Oregon Monitoring Network Approval Letter, dated March 10, 2014.

authority to enforce the air quality laws, regulations, permits, and orders promulgated pursuant to ORS Chapters 468 and 468A. ODEQ staffs and maintains an enforcement program to ensure compliance with SIP requirements. The ODEQ Director, at the direction of the Governor, may enter a cease and desist order for polluting activities that present an imminent and substantial danger to public health (ORS 468–115). Enforcement cases may be referred to the State Attorney General's Office for civil or criminal enforcement. Therefore, the EPA is proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(C) related to a program of enforcement measures for the 2008 Pb NAAQS.

To generally meet the requirements of CAA section 110(a)(2)(C) with regard to the regulation of construction of new or modified stationary sources, a state is required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 2008 Pb NAAQS. As explained above, we are not in this action evaluating nonattainment related provisions, such as the nonattainment NSR program required by part D, title I of the CAA. In addition, Oregon has no designated nonattainment areas for the 2008 Pb NAAQS.

We are proposing to find that the Oregon SIP meets the requirements related to PSD under CAA section 110(a)(2)(C) for the 2008 Pb NAAQS. The Oregon major NSR program includes requirements for major source permitting in nonattainment areas, maintenance areas, and attainment and unclassifiable areas (OAR 340–224). Oregon's Federally-enforceable state operating permit program is found at OAR 340–216 ''Air Contaminant Discharge Permits,'' and is also the administrative permit mechanism used to implement the notice of construction and major new source review programs. ODEQ delegates authority to LRAPA to implement the source permitting programs within LRAPA's area of jurisdiction. The requirements and procedures contained in OAR 340–216, OAR 340–222 and OAR 340–224 are used by LRAPA to implement its permitting programs until it adopts rules which are at least as restrictive as State rules. We most recently approved revisions to the Oregon major NSR rules on December 27, 2011 (76 FR 80747).

The EPA notes that on January 4, 2013, the U.S. Court of Appeals in the District of Columbia, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir.), issued a judgment that remanded two of the EPA's rules implementing the 1997 $PM_{2.5}$ NAAQS, including the ''Implementation of New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$),'' (73 FR 28321, May 16, 2008) (2008 $PM_{2.5}$ NSR Implementation Rule). The court ordered the EPA to ''repromulgate these rules pursuant to Subpart 4 consistent with this opinion.''*Id.* at 437. Subpart 4 of part D, title I of the CAA establishes additional provisions for particulate matter nonattainment areas. The 2008 $PM_{2.5}$ NSR Implementation Rule addressed by the court's decision promulgated NSR requirements for implementation of $PM_{2.5}$ in both nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). As the requirements of subpart 4 only pertain to nonattainment areas, the EPA does not consider the portions of the 2008 $PM_{2.5}$ NSR Implementation Rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas to be affected by the court's opinion. Moreover, we do not anticipate the need to revise any PSD requirements promulgated in the 2008 $PM_{2.5}$ NSR Implementation Rule in order to comply with the court's decision. Accordingly, our proposed approval of elements 110(a)(2)(C), (D)(i)(II), and (J), with respect to the PSD requirements, does not conflict with the court's opinion. The EPA interprets the CAA section 110(a)(1) and (2) infrastructure submittals due three years after adoption or revision of a NAAQS to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which are due by the dates statutorily prescribed under subparts 2 through 5 under part D, extending as far as ten years following designations for some elements.

In addition, we note that on December 27, 2011, we approved revisions to the Oregon SIP made in response to the Federal ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC); Final Rule'' (2010 PSD $PM_{2.5}$ Implementation Rule) (75 FR 64864). *See 76 FR 80747.* However, on January 22, 2013, the U.S. Court of Appeals for the District of Columbia, in *Sierra Club* v. *EPA,* 703 F.3d 458 (D.C. Cir. 2013), issued a judgment that, *inter alia,* vacated the provisions adding the $PM_{2.5}$ Significant Monitoring Concentration to the Federal regulations, at 40 CFR 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*), that were promulgated as part of the 2010 PSD $PM_{2.5}$ Implementation Rule (75 FR 64864). In its decision, the court held that the EPA did not have the authority to use SMCs to exempt permit applicants from the statutory requirement in section 165(e)(2) of the CAA that ambient monitoring data for $PM_{2.5}$ be included in all PSD permit applications. Thus, although the $PM_{2.5}$ SMC was not a required element of a state's PSD program, were a state PSD program that contains such a provision to use that provision to issue new permits without requiring ambient $PM_{2.5}$ monitoring data, such application of the vacated SMC would be inconsistent with the court's opinion and the requirements of section 165(e)(2) of the CAA.

This decision also, on the EPA's request, vacated and remanded to the EPA for further consideration the portions of the 2010 PSD $PM_{2.5}$ Implementation Rule that revised 40 CFR 51.166 and 40 CFR 52.21 related to SILs for $PM_{2.5}$. The EPA requested this vacatur and remand of two of the three provisions in the EPA regulations that contain SILs for $PM_{2.5}$, because the wording of these two SIL provisions (40 CFR 51.166(k)(2) and 40 CFR 52.21(k)(2)) is inconsistent with the explanation of when and how SILs should be used by permitting authorities that we provided in the preamble to the **Federal Register** publication when we promulgated these provisions. The third SIL provision (40 CFR 51.165(b)(2)) was not vacated and remains in effect. The court's decision does not affect the PSD increments for $PM_{2.5}$ promulgated as part of the 2010 PSD $PM_{2.5}$ Implementation Rule.

On December 9, 2013 the EPA removed the affected $PM_{2.5}$ SILs and SMC provisions from the Code of Federal Regulations (78 FR 73698). In the December 9, 2013, action we stated that ''Permitting authorities with EPA-approved SIPs containing any or all of the affected $PM_{2.5}$ SILs and SMC provisions previously allowed by sections 51.166(k)(2) and 51.166(i)(5)(i)(*c*) should remove their corresponding SILs provisions and revise the numerical value of the $PM_{2.5}$ SMC to 0 $\mu g/m^3$ (or make equivalent changes) as soon as feasible, which may be in conjunction with the next otherwise planned SIP revision.'' We also advised that ''these provisions as reflected in the existing state and local EPA-approved SIPs are unlawful and may not be applied even prior to their removal from the SIPs.'' Oregon intends to address the court decision on SMC

and SIL provisions in a rulemaking proposal regarding updates to its permitting program in 2014.

Given the clarity of the court's decision and our December 9, 2013, action to remove the provisions from the Code of Federal Regulations, the $PM_{2.5}$ SILs and SMC provisions included in Oregon's SIP-approved PSD program on the basis of the EPA's regulations are unlawful and no longer enforceable by law. Permits issued on the basis of these provisions as they appear in Oregon's SIP would be inconsistent with the CAA and difficult to defend in administrative and judicial challenges. Thus, the SIP provisions may not be applied even prior to their removal from the SIP. As the vacated $PM_{2.5}$ SILs and SMC provisions in the Oregon SIP are no longer enforceable, the EPA does not believe the existence of the provisions in the Oregon SIP precludes our proposed approval of the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(C), (D)(i)(II), and (J) as those elements relate to a comprehensive PSD program.

Oregon's SIP-approved minor NSR program applies major source NSR/PSD requirements to any source with emissions over the significant emission rate, through the administrative mechanisms laid out in OAR 340–216 ''Air Contaminant Discharge Permits.'' The EPA has determined that Oregon's Federally-approved minor NSR program, adopted pursuant to section 110(a)(2)(C) of the CAA, regulates emissions of Pb. Based on the analysis above, we are proposing to find that the Oregon SIP includes enforcement and minor source permitting provisions that are adequate to satisfy the requirements of CAA section 110(a)(2)(C) for the 2008 Pb NAAQS. Based on the above analysis, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(C) for the 2008 Pb NAAQS.

110(a)(2)(D): Interstate Transport

CAA section 110(a)(2)(D)(i) addresses four separate elements, or ''prongs.'' CAA section 110(a)(2)(D)(i)(I) requires state SIPs contain adequate provisions prohibiting emissions which will contribute significantly to nonattainment of the NAAQS in any other state (prong 1), and adequate provisions prohibiting emissions which will interfere with maintenance of the NAAQS by any other state (prong 2). CAA section 110(a)(2)(D)(i)(II) requires that state SIPs contain adequate provisions prohibiting emissions which will interfere with any other state's required measures to prevent significant deterioration (PSD) of its air quality (prong 3), and adequate provisions prohibiting emissions which will interfere with any other state's required measures to protect visibility (prong 4).

State submittal: The Oregon submittal addresses the requirements of CAA section 110(a)(2)(D)(i)(II) (prongs 3 and 4) only. As noted above, the Oregon submittal does not address CAA section 110(a)(2)(D)(i)(I). See footnote 2. The Oregon submittal references OAR–340–200 ''General Air Pollution Definitions and Procedures'' and OAR 340–202 ''Ambient Air Quality Standards and PSD Increments.'' The submittal also notes that the EPA most recently approved revisions to Oregon's major NSR rules on December 27, 2011 (76 FR 80747).

EPA analysis: In this action, we are proposing to approve the Oregon SIP for purposes of CAA sections 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) for the 2008 Pb NAAQS. The EPA believes that the PSD sub-element of CAA section 110(a)(2)(D)(i)(II) (prong 3) is satisfied where new major sources and major modifications in Oregon are subject to a Federally-approved PSD program that satisfactorily implements the 2008 Pb NAAQS. In this action, as discussed under section 110(a)(2)(A), we are proposing to approve revisions to OAR Division 202 ''Ambient Air Quality Standards and PSD Increments.'' In addition, the EPA most recently approved revisions to Oregon's major NSR rules on December 27, 2011 (76 FR 80747) for purposes of fine particulate matter, among other things. As discussed in section 110(a)(2)(C) above, we believe that our proposed approval of element 110(a)(2)(D)(i)(II) is not affected by recent court vacaturs of Federal PSD implementing regulations. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(D)(i)(II) with regard to PSD for the 2008 Pb NAAQS.

The EPA believes, as noted in the October 14, 2011, guidance, that with regard to the CAA section 110(a)(2)(D)(i)(II) visibility sub-element, significant impacts from Pb emissions from stationary sources are expected to be limited to short distances from the source and most, if not all Pb stationary sources, are located at distances from Class I areas such that visibility impacts would be negligible. Although Pb can be a component of coarse and fine particles, Pb generally comprises a small fraction of coarse and fine particles. Furthermore, when evaluating the extent that Pb could impact visibility, Pb-related visibility impacts were found to be insignificant (e.g., less that 0.10%).[18] Where a state's regional haze SIP has been approved as meeting all current obligations, a state may rely upon those provisions in support of its demonstration that is satisfies the requirements of CAA section 110(a)(2)(D)(i)(II) as it relates to visibility.

On December 14, 2010, Oregon submitted the Oregon Regional Haze SIP. On July 5, 2011, the EPA approved portions of the Oregon Regional Haze SIP, including the requirements for best available retrofit technology (BART) (76 FR 38997). We approved the remaining elements of the Oregon Regional Haze SIP on August 22, 2012 (77 FR 50611). Because we approved the Oregon SIP as meeting the regional haze requirements, we are proposing to approve the Oregon SIP as meeting the CAA section 110(a)(2)(D)(i)(II) visibility requirements with respect to the 2008 Pb NAAQS.

Interstate and International transport provisions: CAA section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). Specifically, CAA section 126(a) requires new or modified major sources to notify neighboring states of potential impacts from the source.

State submittal: The Oregon submittal references OAR 340–209 ''Public Participation,'' as part of the Federally-approved Oregon PSD program. The submittal states that Oregon regulations are consistent with Federal requirements in Appendix N of 40 CFR part 50 pertaining to the notification of interstate pollution abatement.

EPA analysis: The EPA most recently approved revisions to the Oregon major NSR regulations on December 27, 2011 (76 FR 80747). The public notice provisions at OAR 340–209–0060 require that for major NSR actions, ODEQ will provide notice to neighboring states, among other officials and agencies. Oregon has no pending obligations under section 115 or 126(b) of the CAA. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(D)(ii) for the 2008 Pb NAAQS.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires states to provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any

[18] Analysis by Mark Schmidt, OAQPS. ''Ambient Pb's Contribution to Class 1 Area Visibility Impairment,'' November 7, 2011.

provision of Federal or state law from carrying out the SIP or portion thereof), (ii) requirements that the State comply with the requirements respecting state boards under CAA section 128 and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the State has responsibility for ensuring adequate implementation of such SIP provision.

State submittal: With respect to the requirements of sub-element (E)(i), the Oregon submittal cites ORS 468.035 ''Functions of Department'' which provides ODEQ authority to employ personnel, purchase supplies, enter into contracts, and to receive, appropriate, and expend federal and other funds for purposes of air pollution research and control. In addition, ORS 468.045 ''Functions of Director; Delegation'' provides the ODEQ Director with authority to hire, assign, reassign, and coordinate personnel of the department and to administer and enforce the laws of the State concerning environmental quality. In addition, the submittal cites the CAA section 105 grants received from the EPA and matched through the Oregon General Fund.

With respect to the requirements of sub-element (E)(ii), the submittal cites OAR 340–200–0100 ''Purpose,'' OAR 340–200–0110 ''Public Interest Representation,'' and OAR 340–200–0120 ''Disclosure of Potential Conflicts of Interest.'' The submittal states that the EPA approved the listed regulatory provisions as meeting the requirements of CAA section 128 on January 22, 2003 (68 FR 2891).

With respect to the requirements of sub-element (E)(iii), the submittal cites ORS 468.020 ''Rules and Standards'' which requires a public hearing on any proposed rule or standard prior to adoption. ORS 468.035(c) ''Functions of Department'' provides ODEQ authority to advise, consult, and cooperate with other states, state and federal agencies, or political subdivisions on all air quality control matters. ORS 468A.010 ''Policy'' calls for a coordinated statewide program of air quality control with responsibility allocated between the state and the units of local government. ORS 468A.100–180 ''Regional Air Quality Control Authorities'' describes the establishment, role and function of regional air quality control authorities. State regulations at OAR 340–200 ''General Air Quality Definitions'' specify LRAPA has authority in Lane County and defines the term ''Regional Agency.'' OAR 340–204 ''Designation of Air Quality Areas'' includes designation of control areas within Lane County. OAR 340–216 ''Air Contaminant Discharge Permits'' includes permitting authorities for LRAPA.

EPA analysis: We are proposing to find that the above-referenced provisions provide Oregon with adequate authority to carry out SIP obligations with respect to the 2008 Pb NAAQS as required by CAA section 110(a)(2)(E)(i). We are also proposing to approve the Oregon SIP as meeting CAA section 110(a)(2)(E)(ii), which requires that SIPs contain requirements to comply with CAA section 128, for the Pb NAAQS. On January 22, 2003, we approved OAR 340–200–0100 through OAR 340–200–0120 as meeting the requirements of CAA section 128 (68 FR 2891). We previously approved LRAPA Title 12, Section 025 (recodified at LRAPA Title 13, section 025) as meeting the requirements of CAA section 128 on March 1, 1989 (54 FR 8538). Finally, we are proposing to find that Oregon has provided necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the State has responsibility for ensuring adequate implementation of the SIP with regards to the 2008 Pb NAAQS as required by CAA section 110(a)(2)(E)(iii). Therefore we are proposing to approve the Oregon SIP as meeting the requirements of CAA sections 110(a)(2)(E) for the 2008 Pb NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the CAA, which reports shall be available at reasonable times for public inspection.

State submittal: The Oregon submittal refers to the following statutory and regulatory provisions which provide authority and requirements for source emissions monitoring, reporting, and correlation with emission limits or standards:

- ORS 468.035 ''Functions of Department'' paragraphs (b) and (d)
- ORS 468A.020 ''Rules and Standards''
- ORS 468A.025(4) ''Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules''
- ORS 468A.070 ''Measurement and Testing of Contamination Sources; Rules''
- OAR 340–212 ''Stationary Source Testing and Monitoring''
- OAR 340–214 ''Stationary Source Reporting Requirements''
- OAR 340–222 ''Stationary Source Plant Site Emission Limits''
- OAR 340–225 ''Air Quality Analysis Requirements''
- OAR 340–234 ''Emission Standards for Wood Products Industries: Monitoring and Reporting''
- OAR 340–236 ''Emission Standards for Specific Industries: Emissions Monitoring and Reporting''

EPA analysis: The Oregon statutory provisions listed above provide authority to establish a program for measurement and testing of sources, including requirements for sampling and testing. The Oregon regulations cited above require facilities to monitor and report emissions, including requirements for monitoring methods and design, and monitoring and quality improvement plans. In addition, stationary source reporting requirements include maintaining written records to demonstrate compliance with emission rules, limitations, or control measures, and requirements for reporting and recordkeeping. Information is made available to the public through public processes outlined at OAR 340–209 ''Public Participation.''

Additionally, Oregon is required to submit emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. The EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data (73 FR 76539). The AERR shortened the time states had to report emissions data from 17 to 12 months, giving states one calendar year to submit emissions data. All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through the EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and their associated precursors—nitrogen oxides, sulfur dioxide, ammonia, Pb, carbon monoxide, particulate matter, and volatile organic compounds. Many states also voluntarily report emissions of hazardous air pollutants. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through

the Web site *http://www.epa.gov/ttn/chief/eiinformation.html.*

Based on the analysis above, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(F) for the 2008 Pb NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including adequate contingency plans to implement the emergency episode provisions in their SIPs.

State submittal: The Oregon submittal cites ORS 468–115 ''Enforcement in Cases of Emergency'' which authorizes the ODEQ Director, at the direction of the Governor, to enter a cease and desist order for polluting activities that present an imminent and substantial danger to public health. In addition, OAR 340–206 ''Air Pollution Emergencies'' authorizes the ODEQ Director to declare an air pollution alert or warning, or to issue an advisory to notify the public. OAR 340–214 ''Stationary Source Reporting Requirements'' requires reporting of emergencies and excess emissions and reporting requirements.

EPA analysis: Section 303 of the CAA provides authority to the EPA Administrator to restrain any source from causing or contribution to emissions which present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' We find that ORS 468–115 ''Enforcement in Cases of Emergency'' provides emergency order authority comparable to CAA Section 303.

As noted in the October 14, 2011, guidance, based on the EPA's experience to date with the Pb NAAQS and designating Pb nonattainment areas, the EPA expects that an emergency episode associated with Pb emissions would be unlikely and, if it were to occur, would be the result of a malfunction or other emergency situation at a relatively large source of Pb. Accordingly, the EPA believes that the central components of a contingency plan would be to reduce emissions from the source at issue and public communication as needed. We note that 40 CFR part 51, subpart H (51.150–51.152) and 40 CFR part 51, Appendix L do not apply to Pb.

We most recently approved revisions to the Oregon air pollution emergency rules at OAR 340–206 ''Air Pollution Emergencies'' on December 27, 2011 (76 FR 80747). In the same action we approved revisions to OAR 340–214 ''Stationary Source Reporting Requirements,'' which requires that, where applicable, sources report emergencies and excess emissions to ODEQ. Accordingly, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2008 Pb NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the SIP is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements under the CAA.

State submittal: The Oregon submittal refers to ORS 468.020 ''Rules and Standards'' which requires public hearing on any proposed rule or standard prior to adoption, and ORS 468A.035 ''General Comprehensive Plan'' which requires ODEQ to develop a general comprehensive plan for the control or abatement of air pollution. The submittal also refers to OAR 340–200 ''General Air Pollution Procedures and Definitions'' –0040 ''State of Oregon Clean Air Act Implementation Plan'' which provides for revisions to the Oregon SIP and submittal of revisions to the EPA, including standards submitted by a regional authority and adopted verbatim into ODEQ rules.

EPA analysis: As cited above, the Oregon SIP provides for revisions, and in practice, Oregon regularly submits SIP revisions to the EPA to take into account revisions to the NAAQS and other Federal regulatory changes. On December 27, 2011, the EPA approved numerous revisions to the Oregon SIP, including updates to reflect Federal changes to multiple Federal NAAQS (76 FR 80747). Accordingly, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(H) for the 2008 Pb NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but are rather due at the time of the nonattainment area plan requirements pursuant to section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation With Government Officials

CAA section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to CAA section 121, relating to consultation. CAA section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires states to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submittal: The Oregon submittal reference specific laws and regulations relating to consultation, public notification, and PSD and visibility protection:

- ORS 468.020 ''Rules and Standards''
- ORS 468.035 ''Functions of Department'' paragraphs (a), (c), (f), and (g)
- ORS 468A.010 ''Policy'' paragraphs (1)(b) and (c)
- ORS 468A.025 ''Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules''
- OAR 340–202 ''Ambient Air Quality Standards and PSD Increments''
- OAR 340–204 ''Designation of Air Quality Areas''
- OAR 340–206 ''Air Pollution Emergencies''
- OAR 340–209 ''Public Participation''
- OAR 340–216 ''Air Contaminant Discharge Permits''
- OAR 340–224 ''Major New Source Review''
- OAR 340–225 ''Air Quality Analysis Requirements''
- OAR 340–223 ''Regional Haze Rules''
- OAR 340–252 ''Transportation Conformity''

EPA analysis: The Oregon SIP includes specific provisions for

consulting with local governments and Federal Land Managers as specified in CAA section 121, including the Oregon rules for major source PSD permitting. The EPA most recently approved revisions to the Oregon major NSR permitting rules at OAR 340–224, which provide opportunity and procedures for public comment and notice to appropriate Federal, state and local agencies, on December 27, 2011 (76 FR 80747). We most recently approved the Oregon rules that define transportation conformity consultation on October 4, 2012 (77 FR 60627). While transportation conformity requirements do not apply for Pb because of the nature of the standard, the consultation procedures that Oregon has in place to implement transportation conformity requirements provides evidence of the State's ability to consult with other governmental agencies on air quality issues.

In practice, ODEQ routinely coordinates with local governments, states, Federal Land Managers and other stakeholders on air quality issues including permitting action, transportation conformity, and regional haze. Therefore, we are proposing to find that the Oregon SIP meets the requirements of CAA section 110(a)(2)(J) for consultation with government officials for the 2008 Pb NAAQS.

Section 110(a)(2)(J) also requires the public be notified if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. The EPA calculates an air quality index for five major air pollutants regulated by the CAA: Ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. This air quality index provides daily information to the public on air quality. While Pb is not specifically part of the air quality index, we note that Oregon actively participates and submits information to the EPA's AIRNOW and Enviroflash Air Quality Alert programs which provide information to the public on the air quality in their locale. Oregon provides the State's annual network monitoring plan and annual air quality monitoring data summaries to the public on their Web site at *http://www.deq.state.or.us/aq/forms/annrpt.htm.* The monitoring plans and data summaries include information on Pb monitoring. Therefore, we are proposing to find that the Oregon SIP meets the requirements of CAA section 110(a)(2)(J) for public notification for the 2008 Pb NAAQS.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C, title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) with respect to permitting. The EPA most recently approved revisions to Oregon's PSD program on December 27, 2011 (76 FR 80747), updating the program for purposes of fine particulate matter NAAQS implementation in attainment and unclassifiable areas, among other things. We believe that our proposed approval of element 110(a)(2)(J) is not affected by recent court vacaturs of Federal PSD implementing regulations. Please see our discussion of section 110(a)(2)(C). Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA 110(a)(2)(J) with regards to PSD for the 2008 Pb NAAQS.

With regard to the applicable requirements for visibility protection, the EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus we find that there is no new applicable requirement relating to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective.

Based on the above analysis, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(J) for the 2008 Pb NAAQS.

110(a)(2)(K): Air Quality and Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submittal: The Oregon submittal refers to ORS 468–020 ''Rules and Standards'' which requires public hearing on any proposed rule or standard prior to adoption, and ORS 468.035 ''Functions of Department'' which provides ODEQ authority to conduct studies and investigations to determine air quality. The submittal also references OAR 340–225 ''Air Quality Analysis Requirements'' which includes modeling requirements for analysis and demonstration of compliance with standards and increments in specified areas.

EPA analysis: The EPA previously approved OAR 340–225 ''Air Quality Analysis Requirements'' on November 27, 2011 (76 FR 80747) and these rules require all modeled estimates of ambient concentrations be based on 40 CFR part 51, Appendix W (Guidelines on Air Quality Models). Any change or substitution from models specified in 40 CFR part 51, Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from ODEQ and the EPA.

As an example of the State's modeling capacity, we cite a recent Oregon SIP revision, supported by modeling. The Portland and Salem areas were historically nonattainment under the 1-hour ozone standard and require maintenance plans that ensure on-going compliance with the 1997 8-hour ozone standard. On May 22, 2007, the State submitted these maintenance plans to the EPA, supported by extensive modeling. The EPA approved the SIP revision on December 19, 2011 (76 FR 78571). Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(K) for the 2008 Pb NAAQS.

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

State submittal: The Oregon submittal refers to ORS 468.065 ''Issuance of Permits: Content; Fees; Use'' which provides the EQC authority to establish a schedule of fees for permits based upon the costs of filing and investigating applications, issuing or denying permits, carrying out Title V requirements and determining compliance. ORS 468A.040 ''Permits; Rules'' provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State. The submittal also references OAR 340–216 ''Air Contaminant Discharge Permits'' which requires payment of permit fees based on a specified table of sources and fee schedule.

EPA analysis: On September 28, 1995, the EPA fully approved Oregon's title V program (60 FR 50106) (effective November 27, 1995). While Oregon's title V operating permit program is not formally approved into the State's SIP, it is a mechanism the State can use to ensure that ODEQ has sufficient resources to support the air program, consistent with the requirements of the SIP. Before the EPA can grant full approval, a state must demonstrate the ability to collect adequate fees. The

Oregon title V program included a demonstration that fees were adequate, and the State will collect a fee from title V sources above the presumptive minimum in accordance with 40 CFR 70.9(b)(2)(i). In addition, Oregon regulations require fees for purposes of major and minor NSR permitting, as specified in OAR 340–216 ''Air Contaminant Discharge Permits''–0020 (Table 2) ''ACDP Fee Schedule'' and –0090 (Table 1) ''Sources Subject to ADCP and Fees.'' Therefore, we are proposing to conclude that Oregon has satisfied the requirements of CAA section 110(a)(2)(L) for the 2008 Pb NAAQS.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submittal: The Oregon submittal refers to the following laws and regulations:

- ORS 468.020 ''Rules and Standards''
- ORS 468.035 ''Functions of Department'' paragraphs (a), (c), (f), and (g)
- ORS 468A.010 ''Policy'' paragraphs (1)(b) and (c)
- ORS 468A.035 ''General Comprehensive Plan''
- ORS 468A.040 ''Permits; Rules''
- ORS 468A.055 ''Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal''
- ORS 468A.070 ''Measurement and Testing of Contamination Sources; Rules''
- ORS 468A.100–180 ''Regional Air Quality Control Authorities''
- OAR 340–200 ''General Air Pollution Procedures and Definitions''
- OAR 340–204 ''Designation of Air Quality Areas''
- OAR 340–216 ''Air Contaminant Discharge Permits''

EPA analysis: The regulations cited by Oregon were previously approved on December 27, 2011 (76 FR 80747), and provide for consultation and participation in SIP development by local political subdivisions affected by the SIP. We are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(M) for the 2008 Pb NAAQS.

V. Proposed Action

The EPA is proposing to approve the portion of the December 27, 2013, SIP submittal from Oregon relating to the infrastructure requirements of the 2008 Pb NAAQS. Specifically, we are proposing to approve the submitted revision to OAR 340–202–0130 ''Ambient Air Quality Standard for Lead'' and the addition of OAR 340–202–0020 ''Applicability.'' We are proposing to find that the Oregon SIP meets the following CAA section 110(a)(2) infrastructure elements for the 2008 Pb NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

As described in detail above, we are not approving the submitted revision to OAR 340–200–0040 ''State of Oregon Clean Air Act Implementation Plan.'' In addition, we are taking no action on the submitted revisions to OAR 340–200–0020 ''General Air Quality Definitions, Table 1—Significant Air Quality Impact,'' OAR 340–202–0070 ''Sulfur Dioxide,'' and OAR 340–202–0100 ''Nitrogen Dioxide'' because these revisions are outside the scope of the 2008 Pb infrastructure SIP. We intend to address these revisions in a separate action.

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Lead, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: March 27, 2014.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2014–08608 Filed 4–16–14; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 511, 538, and 552

[GSAR Case 2010–G511; Docket 2014–0008; Sequence 1]

RIN 3090–AJ43

General Services Administration Acquisition Regulation (GSAR); Purchasing by Non-Federal Entities

AGENCY: Office of Acquisition Policy, General Services Administration.

ACTION: Proposed rule with request for comments.

SUMMARY: The General Services Administration (GSA) is issuing a proposed rule amending the General Services Administration Acquisition Regulation (GSAR), Describing Agency Needs, to implement the Federal Supply

Schedules Usage Act of 2010 (FSSUA), the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 (NAHASDA), the John Warner National Defense Authorization Act for Fiscal Year 2007 (NDAA), and the Local Preparedness Acquisition Act for Fiscal Year 2008 (LPAA), to provide increased access to GSA's Federal Supply Schedules (Schedules). GSA is also amending GSAR regarding Federal Supply Schedule Contracting and Solicitation Provisions and Contract Clauses, in regard to this statutory implementation.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before June 16, 2014 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by GSAR Case 2010–G511, Purchasing by Non-Federal Entities, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments by searching for ''GSAR Case 2010–G511''. Select the link ''Comment Now'' and follow the instructions provided at the ''You are commenting on'' screen. Please include your name, company name (if any), and ''GSAR Case 2010–G511'', on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* U.S. General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, ATTN: Hada Flowers, Washington, DC 20405–0001.

Instructions: Please submit comments only and cite GSAR Case 2010–G511 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, General Services Acquisition Policy Division, GSA, 202–357–9652 or email *Dana.Munson@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite GSAR Case 2010–G511.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Supply Schedules Program, which is operated by GSA, is designed to provide Federal agencies with a simplified process of acquiring commonly used commercial supplies and services at prices associated with volume buying. Ordering activities conduct streamlined competitions among a number of Schedule contractors, issue orders directly to the selected contractor, and administer orders.

GSA is issuing a proposed rule amending Parts 511, 538, and 552 of the GSAR to implement a number of statutory provisions to provide increased access to GSA's Schedules to the American National Red Cross, other qualified organizations, which includes National Voluntary Organizations Active in Disaster (NVOAD), and state or local governments, pursuant to the FSSUA (Pub. L. 111–263).

Specifically, section 2 of the FSSUA added subsection 40 U.S.C. 502(e), authorizing the use of the Schedules by the American National Red Cross and other qualified organizations in certain circumstances.

Further, section 3 of the FSSUA added subsection 40 U.S.C. 502(f), which requires all users of the Schedules, including non-Federal users, to use the contracts in accordance with the ordering guidance provided by the Administrator of the General Services. GSA encourages non-Federal users to follow the Schedules ordering procedures set forth in the Federal Acquisition Regulation (FAR) 8.4; however, non-Federal users may use different established competitive ordering procedures if such procedures are needed to satisfy their state or local acquisition regulations and/or organizational policies.

Finally, section 4 of the FSSUA further amended 40 U.S.C. 502 to include additional purchasing authority for state or local governments by inserting ''to facilitate disaster preparedness or response,'' after ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121, *et seq.*)'' in 40 U.S.C. 502(d)(1).

FSSUA provides for the following:

- The Administrator may provide for the use of the Schedules by the American National Red Cross. Purchases by the American National Red Cross under authority derived from the FSSUA shall be used in furtherance of the purposes of American National Red Cross as set forth in 36 U.S.C. 300102. The authority under FSSUA may not be used to purchase supplies for resale.
- The Administrator may provide for the use of Schedules by other qualified organizations, to include NVOADs. Purchases under this authority by other qualified organizations shall be used in furtherance of purposes determined to be appropriate to facilitate emergency preparedness and disaster relief and set forth in guidance by the Administrator of General Services, in consultation with the Administrator of the Federal Emergency Management Agency. This authority may not be used to purchase supplies for resale. The term ''qualified organization'' means a relief or disaster assistance organization as described in section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5152).
- State or local governments are authorized to use Schedules for certain goods and services to be used to facilitate disaster preparedness or response. FSSUA expands upon the authority granted under Section 833 of the NDAA, which allows state or local governments to use GSA's Schedules to recover from a disaster or attack.

As a result of the above authorities, GSA is adding the following definitions to GSAR 538.7001:

- ''Preparedness'' means actions that may include, but are not limited to planning, resourcing, training, exercising, and organizing to build, sustain, and improve operational disaster response capabilities. Preparedness also includes the process of identifying the personnel, training, and equipment needed for a wide range of potential incidents, and developing jurisdiction–specific plans for delivering capabilities when needed for an incident.
- ''Response'' means immediate actions taken during a disaster, or in its immediate aftermath, in order to save lives, protect property and the environment, and to meet basic human needs. Response also includes the execution of emergency plans and actions to support short-term recovery.
- ''Recovery'' means actions including, but not limited to, the development, coordination, and execution of service-and site-restoration plans; the reconstitution of Government operations and services; individual, private-sector, nongovernmental, and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents.
- ''Relief'' means disaster ''response'' and ''recovery''. Please see full definitions for these terms.

All users of GSA's Schedules, including non-Federal users, shall use the Schedules in accordance with the ordering guidance provided by the Administrator of General Services. GSA encourages non-Federal users to follow the Schedule Ordering Procedures set

forth in FAR subpart 8.4, but they may use different established competitive ordering procedures if such procedures are needed to satisfy their state and local acquisition regulations and/or organizational policies.

The authority granted under FSSUA is available for use on a voluntary (*i.e.,* non-mandatory) basis. In other words, businesses with Schedule contracts have the option of deciding whether they will accept orders placed by state or local governments, the American National Red Cross, or other qualified organizations.

Additionally, Section 101 of NAHASDA (Pub. L. 110–411) codified at 25 U.S.C. 4111(j), provides that ''each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and (2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency''. As such, tribes or tribally designated housing entities expending funds from block grants pursuant to NAHASDA may access GSA's sources of supply, including the Schedules, at their discretion.

Additionally, this proposed rule amends GSAR Parts 511, 538, and 552 to implement Section 833 of the NDAA. Section 833 amends 40 U.S.C. 502(d)(1) to authorize the Administrator of General Services to provide to state or local governments the use of GSA's Schedules for the purchase of goods or services to be used to facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121, *et seq.*) or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack.

Section 833 also amends 40 U.S.C. 502(d)(2) to require the Secretary of Homeland Security to determine which goods and services qualify before the Administrator provides for the use of GSA's Schedules. House Report 109–452 of the Committee on Armed Services indicates that section 833 (referred to in the House Report as section 823), builds on the implementation of the Cooperative Purchasing Program authorized in Section 211 of the E-Government Act of 2002, which permitted state or local governments to access GSA's information technology schedule, known as Schedule 70.

Finally, the LPAA amended 40 U.S.C. 502(c), by authorizing the Administrator of General Services to provide to state or local governments the use of GSA's Schedules for the acquisition of law enforcement, security, and certain other related items.

The non-Federal ordering activity is responsible for ensuring that only authorized representatives of its organization place orders and that goods or services ordered are used only for the purposes authorized. Existing Schedule contracts may be modified only by mutual agreement of the parties. After an existing contract has been modified, a Schedule contractor still retains the right to decline orders by non-Federal entities on a case-by-case basis. This applies to future Schedule contractors, as well. Schedule contractors may decline any order from entities outside the Executive Branch (see GSAR 552.238–78). Similarly, the rule places no obligation on non-Federal buyers to use Schedule contracts. They will have full discretion to decide if they wish to make a Schedule purchase, subject however, to any limitations that may be established under state and local laws or organizational policies.

The Federal Government will not be liable for the performance or nonperformance of orders established under the authority of this rule between Schedule contractors and eligible non-Federal entities. Disputes that cannot be resolved by the parties to the new contract can be litigated in any court of competent jurisdiction over the parties.

The prices of supplies and services available on Schedule contracts include an industrial funding fee. The fee covers the administrative costs incurred by GSA to operate the Schedules program. The fee will be periodically adjusted as necessary to recover the cost of operating the program.

II. Executive Orders 12866 and 13563

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

III. Regulatory Flexibility Act

The change may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601, *et seq.,* because implementing the authorities enumerated herein will expand or add the ability for additional qualified organizations to procure from GSA's Schedule contracts. For small businesses that hold a Schedule contract, their sales may increase for orders placed in order to prepare for a disaster.

The Initial Regulatory Flexibility Analysis (IRFA) is summarized as follows:

This rule is to implement the Federal Supply Schedules Usage Act of 2010, which was effective upon Presidential signature. The Act allows GSA to further expand access to Schedules for state and local governments, the American National Red Cross, and allows ''other qualified organizations'' access to Schedules when purchasing in support of emergency preparedness and disaster relief. Implementation of the Act will affect large and small businesses.

Prior to this Act, except for some limited exceptions, only state and local governments and the American National Red Cross were authorized to procure from Federal Supply Schedule (FSS) contracts under specific scopes. ''Other qualified organizations'' were not previously authorized to procure from FSS contracts.

Under the Act, the scope of authorized users of FSS contracts was expanded to include ''other qualified organizations,'' which is in addition to the already authorized state and local governments and the American National Red Cross (ANRC). Access to Schedules for each of these entities varies. The ANRC may access Schedules in support of their Federal charter; state and local governments may use the Schedules to prepare, respond, and recover from major disasters; and ''other qualified organizations'' may use the Schedules for emergency preparedness and disaster relief.

It should be noted that this is an optional program under the FSS program. This proposed rule applies to all FSS contractors that agree to sell goods and services to these eligible entities, under the appropriate scope of use. A modification will be issued outlining if a contractor wishes to sell to each of the 3 user groups, under the assigned scope. There are no additional compliance requirements for contractors than what is already required; therefore, there is no additional cost to small business if they decide to participate.

The Regulatory Secretariat has submitted a copy of the Initial Regulatory Flexibility Analysis (IRFA) to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. GSA invites comments from small business concerns

and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (GSAR Case 2010–G511), in correspondence.

IV. Paperwork Reduction Act

The proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 48 CFR Parts 501, 538, and 552

Government procurement.

Dated: April 11, 2014.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, General Services Administration.

Therefore, GSA proposes to amend 48 CFR parts 511, 538, and 552 as set forth below:

■ 1. The authority citations for 48 CFR parts 511, 538, and 552 continue to read as follows:

Authority: 40 U.S.C. 121(c).

PART 511—DESCRIBING AGENCY NEEDS

■ 2. Amend section 511.204 by revising paragraphs (b)(2) and (c) to read as follows:

511.204 Solicitation provisions and contract clauses.

* * * * *

(b) * * *

(2) The contracting officer shall include the clause at 552.211–75, Preservation, Packaging, and Packing, in solicitations and contracts for supplies expected to exceed the simplified acquisition threshold. The contracting officer may also include the clause in contracts estimated to be at or below the simplified acquisition threshold when appropriate. The contracting officer shall use Alternate I in solicitations and contracts for all Federal Supply Schedule Contracts.

* * * * *

(c) *Supply contracts.* The contracting officer shall include the clause at 552.211–77, Packing List, in solicitations and contracts for supplies, including purchases over the micropurchase threshold. Use Alternate I in solicitations and contracts for all Federal Supply Schedule Contracts.

PART 538—FEDERAL SUPPLY SCHEDULE CONTRACTING

■ 3. Amend section 538.273 by revising paragraphs (a)(2) and (b)(2) to read as follows:

538.273 Contract clauses.

(a) * * *

(2) 552.238–71, Submission and Distribution of Authorized FSS Schedule Pricelists. Use Alternate I, in solicitations and contracts for all Federal Supply Schedule contracts.

(b) * * *

(2) 552.238–75, Price Reductions. Use Alternate I in solicitations and contracts for all Federal Supply Schedule contracts.

■ 4. Revise the heading of subpart 538.70 to read as follows:

Subpart 538.70—Purchasing by Non-Federal Entities

■ 5. Amend section 538.7000 by adding paragraph (d) to read as follows:

538.7000 Scope of subpart.

* * * * *

(d) Other Federal Supply Schedules as outlined in this subpart.

■ 6. Amend section 538.7001 by adding, in alphabetical order, the definitions for ''Preparedness'', ''Recovery'', ''Relief'', and ''Response'' to read as follows:

538.7001 Definitions.

* * * * *

Preparedness means actions that may include, but are not limited to planning, resourcing, training, exercising, and organizing to build, sustain, and improve operational disaster response capabilities. Preparedness also includes the process of identifying the personnel, training, and equipment needed for a wide range of potential incidents, and developing jurisdiction-specific plans for delivering capabilities when needed for an incident.

Recovery means actions including, but not limited to, the development, coordination, and execution of service- and site-restoration plans; the reconstitution of Government operations and services; individual, private-sector, nongovernmental, and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents.

Relief means disaster ''response'' and ''recovery''. Please see full definitions for these terms.

Response means immediate actions taken during a disaster, or in its immediate aftermath, in order to save lives, protect property and the environment, and meet basic human needs. Response also includes the execution of emergency plans and actions to support short-term recovery.

* * * * *

■ 7. Amend section 538.7002 by revising paragraph (d); and adding paragraphs (e) through (g) to read as follows:

538.7002 General.

* * * * *

(d) Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007 authorizing state and local governments, to use Federal Supply Schedule contracts to purchase products and services to be used to facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) or to facilitate for recovery from terrorism or nuclear, biological, chemical, or radiological attack. Public Law 111–263, the Federal Supply Schedules Usage Act of 2010 authorizing state and local governments to use Federal Supply Schedule contracts to purchase products and services to be used to facilitate disaster preparedness or response.

(e) Public Law 111–263, the Federal Supply Schedules Usage Act of 2010, authorizes the American National Red Cross to use Federal Supply Schedule contracts to purchase goods or services to be used in furtherance of its purposes as set forth in its federal charter (36 U.S.C. 300102).

(f) Public Law 111–263, the Federal Supply Schedules Usage Act of 2010, authorizes other qualified organizations to use Federal Supply Schedule contracts to purchase products and services in furtherance of purposes determined to be appropriate to facilitate emergency preparedness and disaster relief and set forth in guidance by the Administrator of General Services, in consultation with the Administrator of the Federal Emergency Management Agency. Other qualified organizations must meet the requirements of 42 U.S.C. 5152.

(g) A listing of the participating contractors and SINs for the goods and services that are available under these authorized Federal Supply Schedules, is available in GSA's e-Library at *www.gsa.gov/elibrary*.

■ 8. Amend section 538.7003 by revising the introductory text to read as follows:

538.7003 Policy.

Preparing solicitations when schedules are open to eligible non-federal entities. When opening authorized Federal Supply Schedules for use by eligible non-federal entities, the contracting officer must make minor modifications to certain Federal Acquisition Regulation and GSAM provisions and clauses in order to make clear distinctions between the rights and responsibilities of the U.S. Government in its management and regulatory capacity pursuant to which it awards schedule contracts and fulfills associated Federal requirements versus the rights and responsibilities of eligible ordering activities placing orders to fulfill agency needs. Accordingly, the contracting officer is authorized to modify the following FAR provisions/clauses to delete ''Government'' or similar language referring to the U.S. Government and substitute ''ordering activity'' or similar language when preparing solicitations and contracts to be awarded under authorized Federal Supply Schedules. When such changes are made, the word ''(DEVIATION)'' shall be added at the end of the title of the provision or clause. These clauses include but are not limited to:

* * * * *

■ 9. Revise section 538.7004 to read as follows:

538.7004 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the clause at 552.238–77, Definition (Federal Supply Schedules), in solicitations and contracts for all Federal Supply Schedules.

(b) The contracting officer shall insert the clause at 552.238–78, Scope of Contract (Eligible Ordering Activities), in solicitations and contracts for all Federal Supply Schedules.

(c) The contracting officer shall insert the clause at 552.238–79, Use of Federal Supply Schedule Contracts by Non-Federal Entities, in solicitations and contracts for all Federal Supply Schedules.

(d) See 552.101–70 for authorized FAR deviations.

Subpart 538.71—[Removed and Reserved]

■ 10. Remove and reserve subpart 538.71.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 11. Revise section 552.238–76 to read as follows:

552.238–76 Definition (Federal Supply Schedules)—Non-Federal Entity Purchasing.

As prescribed in 538.7104(a), insert the following clause:

DEFINITION (FEDERAL SUPPLY SCHEDULES)—NON–FEDERAL ENTITY PURCHASING (DATE)

Ordering activity (also called ''ordering agency'' and ''ordering office'') means an eligible ordering activity (see (552.238–78, authorized to place orders under Federal Supply Schedule contracts.

(End of clause)

■ 12. Amend section 552.238–78 by—

■ a. Revising the clause heading;

■ b. Redesignating paragraphs (a)(7) and (8) as paragraphs (a)(8) and (9), respectively;

■ c. Adding a new paragraph (a)(7);

■ d. Revising paragraph (d);

■ e. Adding paragraph (h); and

■ f. Removing Alternate I.

The revised and added text reads as follows:

552.238–78 Scope of Contract (Eligible Ordering Activities).

* * * * *

SCOPE OF CONTRACT (ELIGIBLE ORDERING ACTIVITIES) (DATE)

(a) * * *

(7) Tribes or tribally designated housing entities pursuant to 25 U.S.C. 4111(j);

* * * * *

(d) The following activities may place orders against Schedule contracts:

(1) State and local government may place orders against Schedule 70 contracts, and Consolidated Schedule contracts containing information technology Special Item Numbers, and Schedule 84 contracts, on an optional basis; PROVIDED, the Contractor accepts order(s) from such activities;

(2) The American National Red Cross may place orders against Federal Supply Schedules for products and services in furtherance of the purposes set forth in its Federal charter (36 U.S.C. 300102); PROVIDED, the Contractor accepts order(s) from the American National Red Cross; and

(3) Other qualified organizations, as defined in section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5152), may place orders against Federal Supply Schedules for products and services determined to be appropriate to facilitate emergency preparedness and disaster relief and set forth in guidance by the Administrator of General Services, in consultation with the Administrator of the Federal Emergency Management Agency; PROVIDED, the Contractor accepts order(s) from such activities.

(4) State and local governments may place orders against Federal Supply Schedules for goods or services determined by the Secretary of Homeland Security to facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121, *et seq.*) to facilitate disaster preparedness or response, or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack; PROVIDED, the Contractor accepts order(s) from such activities.

* * * * *

(h) All users of GSA's Federal Supply Schedules, including non-Federal users, shall use the schedules in accordance with the ordering guidance provided by the Administrator of General Services. GSA encourages non-Federal users to follow the Schedule Ordering Procedures set forth in the Federal Acquisition Regulation (FAR) 8.4, but they may use different established competitive ordering procedures if such procedures are needed to satisfy their state and local acquisition regulations and/or organizational policies.

(End of clause)

■ 13. Amend section 552.238–79 by—

■ a. Revising the section heading;

■ b. Revising the introductory text; and

■ c. Revising the clause heading.

The revised text reads as follows:

552.238–79 Use of Federal Supply Schedule Contracts by Non-Federal Entities

As prescribed in 538.7004(c) and 538.7104(c), insert the following clause:

USE OF FEDERAL SUPPLY SCHEDULE CONTRACTS BY NON-FEDERAL ENTITIES (DATE)

* * * * *

538.238–80 [Removed and Reserved]

■ 14. Remove and reserve section 552.238–80.

[FR Doc. 2014–08648 Filed 4–16–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222, 223, and 229

[Docket No. 110812495–4315–02]

RIN 0648–BB37

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Bottlenose Dolphin Take Reduction Plan; Sea Turtle Conservation; Modification to Fishing Activities

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

ACTION: Proposed rule; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) proposes to amend the Bottlenose Dolphin Take Reduction Plan (BDTRP) and its

implementing regulations under the Marine Mammal Protection Act (MMPA). The amendment is needed to reduce incidental serious injury and mortality of strategic stocks of bottlenose dolphins in Virginia pound net fishing gear, and to provide consistent state and federal regulations for Virginia pound net fishing gear. This rule proposes the year-round use of modified pound net leaders for offshore Virginia pound nets in specified waters of the lower mainstem Chesapeake Bay and coastal state waters. Virginia pound net-related definitions, gear prohibitions, and non-regulatory measures are also proposed. Both regulatory and non-regulatory measures proposed in this rule are based on the Bottlenose Dolphin Take Reduction Team's (BDTRT) consensus recommendations. For consistency, NMFS also proposes to amend current regulations and definitions for Virginia pound nets under the Endangered Species Act (ESA) for sea turtle conservation.

DATES: Written comments on the proposed rule must be received before June 2, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0064, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0064,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to David Bernhart, Assistant Regional Administrator for Protected Resources, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701–5505.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

This proposed rule, the BDTRP and its amendment, the Bottlenose Dolphin Take Reduction Team (BDTRT) meeting summaries with consensus recommendations, and other background documents are available at *www.regulations.gov,* or the Take Reduction Team Web site: *http://www.nmfs.noaa.gov/pr/interactions/trt/bdtrp.htm,* or by submitting a request to the Assistant Regional Administrator, Protected Resources (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Stacey Horstman, NMFS Southeast Region, *Stacey.Horstman@noaa.gov,* 727–824–5312; Kristy Long, NMFS Office of Protected Resources, *Kristy.Long@noaa.gov,* 301–713–2322; or Carrie Upite, NMFS Northeast Region, *Carrie.Upite@noaa.gov,* 978–282–8475.

SUPPLEMENTARY INFORMATION:

Background

The proposed rule combines two actions under different regulatory authorities. Specifically, these include amending: (1) The BDTRP and related definitions and prohibitions at 50 CFR 229.2, 229.3, and 229.35 under the MMPA; and (2) current definitions and regulations issued under the ESA for sea turtle conservation at 50 CFR 222.102 and 223.206(d)(10). NMFS is proposing to amend the BDTRP to meet its MMPA mandated goal of reducing incidental mortality and serious injury of strategic stocks of bottlenose dolphin from the Virginia pound net fishery. Regulations proposed under the MMPA for the Virginia pound net fishery are based on the BDTRT's consensus recommendations, which are generally consistent with existing regulations enacted under the ESA for sea turtle conservation, with some proposed revisions and updates. Therefore, amendments to the ESA sea turtle conservation regulations for the Virginia pound net fishery are proposed within the same rulemaking for consistency in definitions and regulations.

MMPA and the BDTRP

Section 118(f)(1) of the MMPA (16 U.S.C. 1387(f)(1)) requires NMFS to develop and implement take reduction plans to help in the recovery or prevent the depletion of strategic marine mammal stocks that interact with Category I and II fisheries. The MMPA defines ''strategic stock'' as a marine mammal stock: (1) For which the level of direct human-caused mortality exceeds the potential biological removal (PBR) level; (2) which is declining and likely to be listed as a threatened species under the ESA; or (3) which is designated as a depleted species under the MMPA (16 U.S.C. 1362(1), (19), and (20)). PBR is the maximum number of animals, not including natural mortalities, that can be removed annually from a stock, while allowing that stock to reach or maintain its optimum sustainable population level. Category I or II fisheries are those with frequent or occasional accidental mortality and serious injury of marine mammals, respectively (16 U.S.C. 1387(c)(1)(A)(i) and (ii)).

The MMPA requires take reduction plans to meet short- and long-term goals. The short-term goal of a take reduction plan is to reduce, within six months of its implementation, the accidental mortality or serious injury of marine mammals in commercial fishing to levels less than PBR for the stock (16 U.S.C. 1387(f)(2)). The long-term goal of a take reduction plan is to reduce, within 5 years of its implementation, the accidental mortality or serious injury of marine mammals in commercial fishing to insignificant levels approaching a zero mortality and serious injury rate, commonly referred to as the zero mortality rate goal (ZMRG). NMFS has defined insignificant levels approaching a zero mortality and serious injury rate as 10 percent of PBR for a marine mammal stock (69 FR 43338; July 20, 2004). The long-term goal takes into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans. The MMPA also requires NMFS to amend take reduction plans and implement regulations as needed to meet these requirements and goals.

On April 26, 2006, NMFS issued a final rule (71 FR 24776) implementing the BDTRP based mostly on the BDTRT's consensus recommendations. The BDTRP has been amended twice since then. Both amendments were based on the BDTRT's consensus recommendations for the same nighttime medium mesh gillnet fishing restrictions in North Carolina: (1) December 19, 2008 (73 FR 77531) by continuing the fishing restrictions for 3 years, expiring on May 26, 2012; and (2) July 31, 2012 (77 FR 45268) by permanently continuing the fishing restrictions.

The BDTRP contains both regulatory and non-regulatory conservation measures. These measures reduce serious injury and mortality of 13 strategic stocks of bottlenose dolphins (*Tursiops truncatus truncatus*) in Category I and II commercial fisheries operating in the same area as the dolphin stocks. These measures are designed to meet the BDTRP's short-

term goal and provide a framework for meeting the long-term goal. The regulatory measures in the BDTRP include seasonal gillnet restrictions, gear proximity requirements, and gear length restrictions. The non-regulatory measures include continued research and monitoring, enforcement, outreach, and partnership efforts.

The specific regulatory and non-regulatory measures in this proposed rule are designed to reduce serious injury and mortality of three strategic stocks of bottlenose dolphins in the Virginia pound net fishery. The three stocks include: (1) Western North Atlantic Northern Migratory coastal (NM); (2) Western North Atlantic Southern Migratory coastal (SM); and (3) Northern North Carolina Estuarine System (NNCES). The NM, SM and NNCES stocks can be found in Virginia state waters at various times of the year and are known to interact with Virginia pound nets.

The NM and SM are coastal migratory stocks with larger populations and associated PBR levels than the NNCES stock. The NNCES stock is an estuarine stock found mainly in portions of North Carolina and Virginia bays and sounds. The NNCES stock is experiencing mortality likely approaching or exceeding its PBR level because of interactions with commercial fisheries, including the Virginia pound net fishery. The SM stock is not approaching or exceeding PBR. It is also not close to the ZMRG, however, and interactions with the Virginia pound net fishery may be preventing it from reaching the ZMRG. The NM stock is likely reaching the ZMRG, but continued interactions with the Virginia pound net fishery may prevent this in the long-term.

BDTRT Recommendations for Virginia Pound Nets

After the BDTRP was implemented in May 2006, NMFS convened the BDTRT on June 19–20, 2007, to monitor its effectiveness. The BDTRT provided NMFS with one non-regulatory consensus recommendation for research on the Virginia pound net fishery. This recommendation was to continue exploring the effectiveness of modified pound net leaders compared to traditional leaders in maintaining finfish catch, especially for nets set in the lower part of the Chesapeake Bay near Lynnhaven, VA. Modified pound net leaders are constructed with a combination of hard lay vertical lines and mesh, with vertical lines comprising the top two-thirds of the net in the water column and mesh the bottom one-third. Alternatively, traditional leaders are made of all mesh from top to bottom. The BDTRT focused this research recommendation on nets near Lynnhaven because this is where the majority of bottlenose dolphin interactions with pound nets occur. Previous studies conducted in 2004 and 2005 tested the use of modified pound net leaders on offshore pound nets along the eastern Chesapeake Bay near Cape Charles for sea turtle conservation. These studies found modified pound net leaders were effective in maintaining finfish catch while reducing sea turtle interactions in the leader (Silva *et al.* 2011). The BDTRT believed the modified leader design also showed promise for reducing bottlenose dolphin entanglements based on how they are made.

In 2008, NMFS funded a grant awarded through North Carolina Sea Grant's competitive grant process to accomplish the BDTRT's research recommendation. Schaffler *et al.* (2011) tested modified pound net leaders using soft lay vertical lines on offshore pound nets set near Lynnhaven. They found increased catches of Spanish mackerel (targeted and marketable), decreased bycatch of rays and skates (non-target and unmarketable), and no effect on other valuable finfish catch. A follow-up study conducted in 2011 found no significant difference in finfish catch when using modified leaders with soft lay versus hard lay vertical lines (Swingle *et al.* 2011). Hard lay lines are required in the construction of modified pound net leaders by the ESA sea turtle conservation regulations.

NMFS held another BDTRT meeting September 9–11, 2009, to evaluate the BDTRP and review new scientific information that led to revisions to bottlenose dolphin stock structure. At this meeting, NMFS presented the results of Schaffler *et al.* (2011) and updated stranding and observer data showing bottlenose dolphin entanglements in Virginia pound net gear. The BDTRT reached consensus on both regulatory and non-regulatory recommendations specific to Virginia pound nets fished in the lower mainstem waters of the Chesapeake Bay and Virginia state coastal waters. For more details on these recommended measures, please see the **ADDRESSES** section for where to get the 2007 and 2009 BDTRT meeting summaries.

The following 2009 BDTRT regulatory consensus recommendations were provided to NMFS to reduce serious injury and mortality of bottlenose dolphins in the Virginia Pound Net fishery:

- Expand the waters in which the use of modified pound net leaders is currently required. This would include Virginia waters of the mainstem Chesapeake Bay west of the Chesapeake Bay Bridge Tunnel (CBBT). Seasonal use of modified leaders is required in this area under ESA sea turtle conservation regulations (i.e., Pound Net Regulated Area I (PNRA I); see Figure 1). Regulated waters would also extend east of the CBBT to include waters of the Chesapeake Bay mouth and Virginia coastal state waters north to the Maryland/Virginia line and south to the Virginia/North Carolina line. The area recommended by the BDTRT is the proposed action area and referred to as the Bottlenose Dolphin Pound Net Regulated Area (BDPNRA) throughout this rule (see Figure 2).
- Maintain a definition for modified pound net leaders consistent with the definition issued under ESA regulations (50 CFR 222.102).
- Extend the seasonal requirements for offshore pound nets to use modified leaders year-round in the regulated waters described in the first bullet point above.
- Change the definition of ''nearshore pound net leaders'' from how it is currently defined in the regulations issued under the ESA (50 CFR 222.102). The new definition would be a ''pound net with a leader starting from 10 feet (3 m) horizontally from mean low water and ending at the king post at 12 feet (3.7 m) or less at mean low water (depth)''. The intent of this change is to ensure the king post-stake does not extend into depths beyond 12 feet (3.7 m) mean low water. The offshore pound net leader definition would remain the same as defined (50 CFR 222.102).
- Ensure consistency between regulations for Virginia pound nets regulated under the authority of ESA for sea turtles and any upcoming regulations for dolphins under the MMPA.
- Include the same pound net inspections and certifications required under the existing regulations issued under the ESA 50 CFR (223.206(d)(10)(vii)) or help ensure compliance and enforcement in other ways.

The BDTRT also recommended non-regulatory measures for the Virginia pound net fishery at their 2009 meeting. The purpose of the non-regulatory measures is to increase the BDTRP's success in meeting its short- and long-term goals by increasing the effectiveness of regulatory measures. The non-regulatory recommendations included forming a Virginia working group to help, as needed: (1) Further refine the BDTRT's consensus recommendations for rulemaking; (2)

develop proposals for pound net gear research; (3) identify gear similar to pound nets (i.e., fyke nets); (4) discuss how to address pound nets that may be considered nearshore or offshore pound nets; and (5) identify how many pound nets meet the current definition under ESA regulations of a nearshore pound net leader and if any may be affected by definition changes proposed by the BDTRT.

The BDTRT also recommended outreach and coordination to help with compliance and monitoring of recommended regulatory measures for the Virginia pound net fishery. These measures included: (1) Informing the Virginia Marine Resources Commission (VMRC) of the BDTRT's recommendations for the fishery; (2) coordinating with the VMRC and other Federal entities to help with enforcement of regulations for the fishery; and (3) providing outreach and education to Virginia pound net fishermen on any upcoming regulations.

Virginia Pound Net Fishery

Virginia pound nets are a Category II fishery under the MMPA because of interactions with bottlenose dolphins. A Category II fishery has occasional incidental mortality or serious injury of marine mammals, meaning incidental mortality or serious injury that is greater than 1 percent and less than 50 percent of a stock's PBR level.

Virginia pound nets are passive fishing devices that use fixed gear for live entrapment of various finfish species. Pound nets target any fish species that swim into the net and become trapped in the ''pound.'' Pound nets are not intended to catch fish through entanglement. Finfish species caught depend on the season the nets are fished and the fish in the area at that time (Mansfield *et al.* 2001). Pound nets are generally fished in Virginia from March/April to October/November, depending on weather and fishing success (Schaffler *et al.* 2011).

The pound net is supported by poles driven into the sediment on which the net is strung, making it a semi-fixed structure. Pound nets have three sections that are all constructed of multifilament fiber: (1) The leader, a long, straight net set perpendicular to the beach that leads the fish offshore to the pound; (2) the heart, the portion of the net that funnels the fish into the pound; and (3) the pound, where the fish are entrapped. All three components of pound net gear are needed to effectively harvest fish. The net sections act together to turn fish swimming along the shore and guide them into the heart and pound. The fish are captured (i.e., not gilled) and held in the pound until they are harvested (Mansfield *et al.* 2001; NMFS 2004; NMFS 2006).

Virginia pound net leaders are generally several hundred meters in length, extend from the sea floor to surface, and vary in mesh size and construction (DeAlteris and Silva 2007). There are both state and Federal seasonal regulations for how pound net leaders are constructed within the proposed BDPNRA. The type of seasonal requirements depends on whether pound nets meet the definition of an offshore or a nearshore pound net leader. Sea turtle conservation regulations define pound nets as having an offshore or nearshore pound net leader based on distance from shore at mean low water (50 CFR 222.102). Requirements for leader construction are either for all mesh (i.e., traditional, or non-modified, leader) or a combination of mesh and vertical lines (i.e., modified leader).

In 2006, NMFS established, through sea turtle conservation regulations issued under the ESA, annual seasonal requirements for pound nets meeting the definition of either an offshore or nearshore pound net leader. Offshore pound nets fished in the proposed BDPNRA waters west of the CBBT (i.e., PNRA I; Figure 1) from May 6 through July 15 are required to use modified pound net leaders (§ 223.206(d)(10)(i)). Modified pound net leaders must be constructed with hard lay vertical lines instead of mesh for the top two-thirds of the leader and 8-inch (20.3 cm) or less stretched mesh for the bottom one-third (50 CFR 222.102). Nearshore pound nets in all proposed BDPNRA waters (i.e., PNRA I and II; Figure 1) and all pound nets fished in PNRA II from May 6 through July 15 must be constructed of mesh measuring less than 12-inches (30.5 cm) stretched or constructed with modified leaders (§ 223.206(d)(10)(ii)).

BILLING CODE 3510–22–P

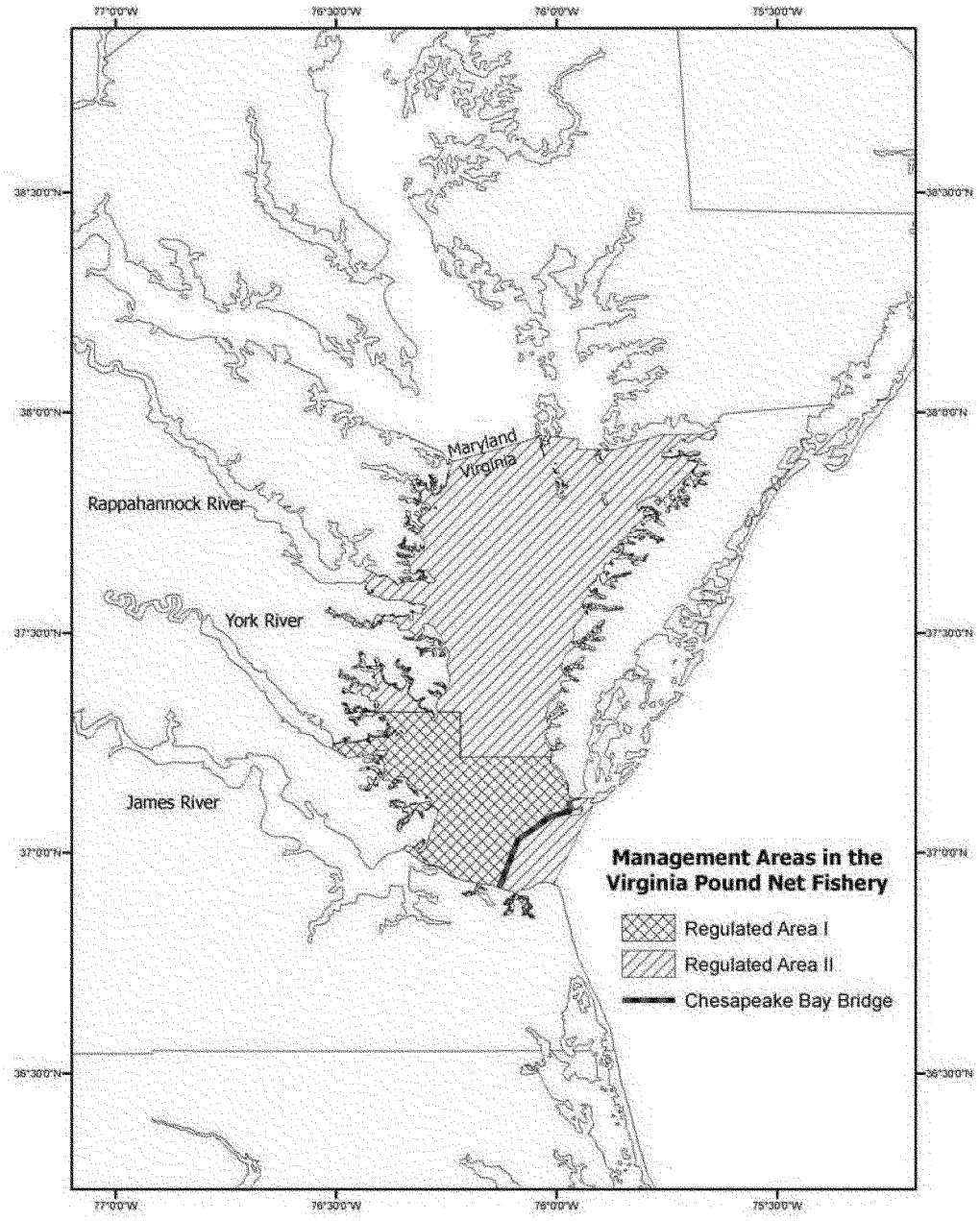


Figure 1. ESA PNRA I and II in Chesapeake Bay, VA, for Sea Turtle Conservation.

BILLING CODE 3510–22–C

In 2010, Virginia required the use of modified pound net leaders following the BDTRT's 2009 consensus recommendations. The state regulations expanded the required use of modified pound net leaders for offshore nets in some areas per the BDTRT's recommendations. Fishermen using offshore pound nets in proposed BDPNRA waters west of the CBBT (i.e., PNRA I; Figure 1) are required to use modified pound net leaders from May 6 to July 31 (4VAC20–20–30E). This extended the sea turtle conservation requirements for using modified pound net leaders in this area by two weeks. The state further required any fishermen using pound nets in proposed BDPNRA waters east of the CBBT and in state coastal waters to use modified pound net leaders year round (4VAC20–20–30D). Modified pound net leaders were not previously required in this area under the ESA regulations.

Both state and Federal regulations require inspection of modified pound net leaders before deployment. This is to ensure the modified pound net leader meets its regulatory definition (4VAC20–20–30D and 50 CFR 223.206(d)(10)(vii), respectively). The inspection program requires fishermen to notify NMFS at least 72 hours before deploying modified pound net leaders. NMFS then examines the leaders for compliance with the definition of a modified pound net leader before the leader is deployed. This also involves collecting information from fishermen on the depth and physical coordinates of their gear and tagging the leader after it passes inspection to aid enforcement. The inspection program was implemented in this manner to reduce the difficulties of post-deployment inspections of the gear at sea.

To characterize the current pound nets in the proposed BDPNRA, the NMFS' Northeast Fishery Observer Program (NEFOP) surveyed Virginia

pound nets in this area from May to July 2010 and June 2011. The NEFOP identified 41 pound net locations within these waters, with an average leader length measuring 795 feet (242.3 m). All 41 pound nets were located within the southern Virginia mainstem waters of the Chesapeake Bay with no nets set in coastal state waters. Twenty-one of the 41 nets met the definition in the ESA regulations of a nearshore pound net leader, and 20 met the definition of an offshore pound net leader. Cape Charles was and still is the only area where nearshore pound net leaders were located. In 2010 and 2011 in the proposed BDPNRA, 21 nearshore and 12 offshore pound nets were set along the eastern Chesapeake Bay near Cape Charles; two offshore nets were in the western Bay at Mobjack Bay; and six offshore nets were in the southern Bay near Lynnhaven Inlet.

Bottlenose Dolphin Mortalities Associated With Virginia Pound Nets

There is some uncertainty regarding which of the three bottlenose dolphin stocks or combination of stocks interact with the Virginia pound net fishery. Satellite-tagging and photo-identification data provide the best available information on the bottlenose dolphin stocks' movements during the fishing season. The NM stock is the only stock in Virginia state waters during the early (March–April) and later months (November) of the fishing season. From May through June, both the SM and NM stocks occur in state waters and may interact with pound nets. From July through August, both the SM and NNCES stocks are in state waters, which is when the most interactions with the Virginia pound net fishery are documented. From September through October, all three stocks (NM, SM, and NNCES) may occur in state waters and interact with pound nets.

Bottlenose dolphin entanglements with the Virginia pound net fishery are documented by the Virginia Aquarium and Marine Science Center (VAQ) stranding network since 1997 and the NEFOP since 2003. NEFOP opportunistically observes this fishery; therefore, most of the information on these entanglements is from stranding data. Dolphins get entangled in the leader portion of the pound net, where they are removed alive or dead (Schaffler *et al.* 2011). Behavioral observations of dolphins show they use the leader as a foraging tool and likely get entangled as they herd fish toward the leader (Schaffler *et al.* 2011). Dolphins removed from the leader have twisted twine markings or impressions in the skin (Lynott and Barco, VAQ, pers. comm.) because the leaders are made of multifilament (i.e., twisted twine) material.

Dolphins also strand dead close to pound nets with twisted twine marks consistent with a pound net leader entanglement (Schaffler *et al.* 2011). The twisted twine marks are visible on the stranded dolphin's body when the markings are new and unhealed (Lynott and Barco, VAQ, pers. comm.). Careful examination of these markings can provide evidence of a fishery interaction (Read and Murray 2000; Kuiken 1996), and the presence of unhealed cuts or markings on the skin also indicates the animal interacted with and died from that fishery interaction (Read and Murray 2000). Therefore, the presence of unhealed twisted twine marks and the dolphin stranding in areas when the Virginia pound net fishery is active indicates the dolphin interacted with this fishery and is presumed to have ultimately died from that interaction.

In Virginia state waters from 2002–2011, 84 bottlenose dolphins were found with evidence of pound net entanglement by the VAQ and NEFOP. Thirty-one of the 84 animals were found entangled in pound net leaders and removed either dead or alive. Only 3 of the 31 animals were released alive; although it is unknown whether the entanglement caused serious injuries that may have later led to death. Twenty-eight of the animals removed directly from pound net leaders were entangled in offshore pound nets; the remaining three animals were in nearshore pound nets. Fifty-three animals stranded dead with twisted twine marks indicating a pound net entanglement and resulting death. All of these animals had new and unhealed twisted twine markings (Lynott and Barco, VAQ, pers. comm.).

Documented pound net interactions occurred in all months from April through November, which is typically the season for fishing pound nets in Virginia. Most interactions were in May through September, peaking in August. The majority (77 percent) of the 84 pound net interactions from 2002–2011 were in the southern portion of Chesapeake Bay near Lynnhaven Inlet. This is the area where the NEFOP documented six offshore pound nets in 2010 and 2011.

Virginia pound net interactions were assigned to the three dolphin stocks based on which stocks are in waters where pound nets are fished during different times of year. Due to spatial overlap of stocks when the fishery is active and uncertainty in stock identification described above, interactions were assigned to either the NM stock only; both the SM and NM stocks; both the SM and NNCES stocks; or all three stocks. As a result, 41 of the 84 pound net interactions from 2002–2011 were assigned to the NM stock; 82 were assigned to the SM; and 57 to the NNCES stock. These assignments are not additive because of the overlapping nature of the stock and stock uncertainty. Total estimated bycatch mortality from interactions in Virginia pound nets cannot be generated because there is no systematic observer program for this fishery. Therefore, individual entanglements opportunistically observed by the NEFOP or documented by stranding data are a minimum count of Virginia pound net bycatch mortality per stock.

To evaluate the impact of the Virginia pound net fishery on each stock, documented pound net interactions assigned to stocks are compared against PBR. The NNCES stock has the smallest abundance estimate and associated PBR at 7.9 animals per year, and fishery interactions, therefore, would present the greatest conservation risk to this stock. Therefore, interactions assigned to more than one stock, including the NNCES stock, are considered to be from the NNCES stock only to evaluate risk of exceeding PBR. From 2002–2011, the 57 pound net interactions assigned to the NNCES stock represent an annual average of 5.7 animals per year, which represents 72.2 percent of PBR. When looking at the most recent five years (2007–2011) that include recent state regulations, 25 pound net interactions were assigned to the NNCES stock. This represents an annual average of 5 animals per year, which represents 63.3 percent of PBR.

Stranding data were used to evaluate the effectiveness of the state's 2010 regulations requiring the use of modified pound net leaders and the effect of these gear modifications on bottlenose dolphin interactions. Although the data set is limited to only two years (2010–2011), stranding data indicate a decreasing trend of bottlenose dolphin interactions with Virginia pound nets after the state's regulations. Therefore, when comparing stranding data for the two years immediately before (2008–2009) and after the state's 2010 regulations, there was a decrease in bottlenose dolphin interactions. Specifically, there was a 64 percent decrease in the total average annual number of bottlenose dolphin interactions with pound nets for all proposed BDPNRA waters. The annual average was 11 dolphins in 2008–2009 compared to 4 in 2010–2011. When evaluating this for the NNCES stock, the average annual number of bottlenose

dolphin interactions with pound nets decreased by 82 percent. This was a decrease from 8.5 (107.6 percent of PBR) animals per year from 2008–2009 to 1.5 animals per year (19 percent of PBR) from 2010–2011.

Pound net gear is not the only gear posing entanglement risks to these bottlenose dolphin stocks. Gillnets are another known significant source of serious injury and mortality. The NEFOP implements systematic observer coverage of the gillnet fishery. The most recent estimates of fishing mortality in coastal gillnets for the NNCES stock are from 2004–2008. These estimates are a minimum of 2.3 animals per year (29 percent of PBR) or a maximum of 18.99 animals per year (240 percent of PBR) (Waring *et al.* 2011). When evaluating total risk to the NNCES stock from known fishery-related serious injury and mortality, the total annual human-caused serious injury and mortality must be considered. This means the gillnet mortality estimate must be considered with the most recent five year annual average (2007–2011) for Virginia pound net interactions, which is 5 animals per year (63.3 percent of PBR). Therefore, the total fishery mortality affecting this stock could be at least 23.99 animals per year.

Mortalities and serious injuries of the NNCES stock likely exceed PBR. This is a concern when evaluating either total annual-human caused mortality and/or considering individual fishery-related impacts on the stock. If all the bottlenose dolphins interacting with pound nets belong to the NNCES stock, then the average annual mortality and serious injury incidental to pound nets caused more than 50 percent of the stock's mortality over the last five years (2007–2011). While the regulations appear successful in reducing bottlenose dolphin interactions in pound net leaders overall, interactions are still documented in months when modified leaders are not required. Conservation benefits are lost when requirements to use modified leaders are lifted west of the CBBT on August 1. Furthermore, the seasonal regulatory timeframes for areas west of the CBBT may not be adequate in the future. The Virginia pound net fishing season typically occurs from April through November. However, this is weather dependent, and fishermen may set pound net gear earlier and keep the gear in the water later in years with mild springs and winters. This increases the potential for interactions with bottlenose dolphins outside the timeframe when modified leaders are currently required. Therefore, additional regulations are still needed despite the decreasing overall trend in the average annual pound net interactions following the state's regulations. Requiring offshore pound nets to use modified pound net leaders year-round in the proposed BDPNRA will help ensure entanglements do not cause serious injury and mortality and exceed PBR for the NNCES stock while allowing the fishery to continue. This will also help reduce serious injury and mortality of both the SM and NM stocks incidental to Virginia pound nets that may be preventing the stocks from meeting or maintaining ZMRG.

The modified leader design is an effective solution to reduce dolphin interactions with Virginia pound net leaders. Dolphins may use the leader as a foraging strategy by herding fish against the leader mesh wall. The reduced mesh webbing and spacing and design of the vertical lines of the modified leader reduce areas for dolphin entanglements. Therefore, research indicates the modified leader likely reduces the bycatch of dolphins (Schaffler *et al.* 2011). The evaluation of stranding and observer data also indicates the modified leader design reduces bottlenose dolphin interactions.

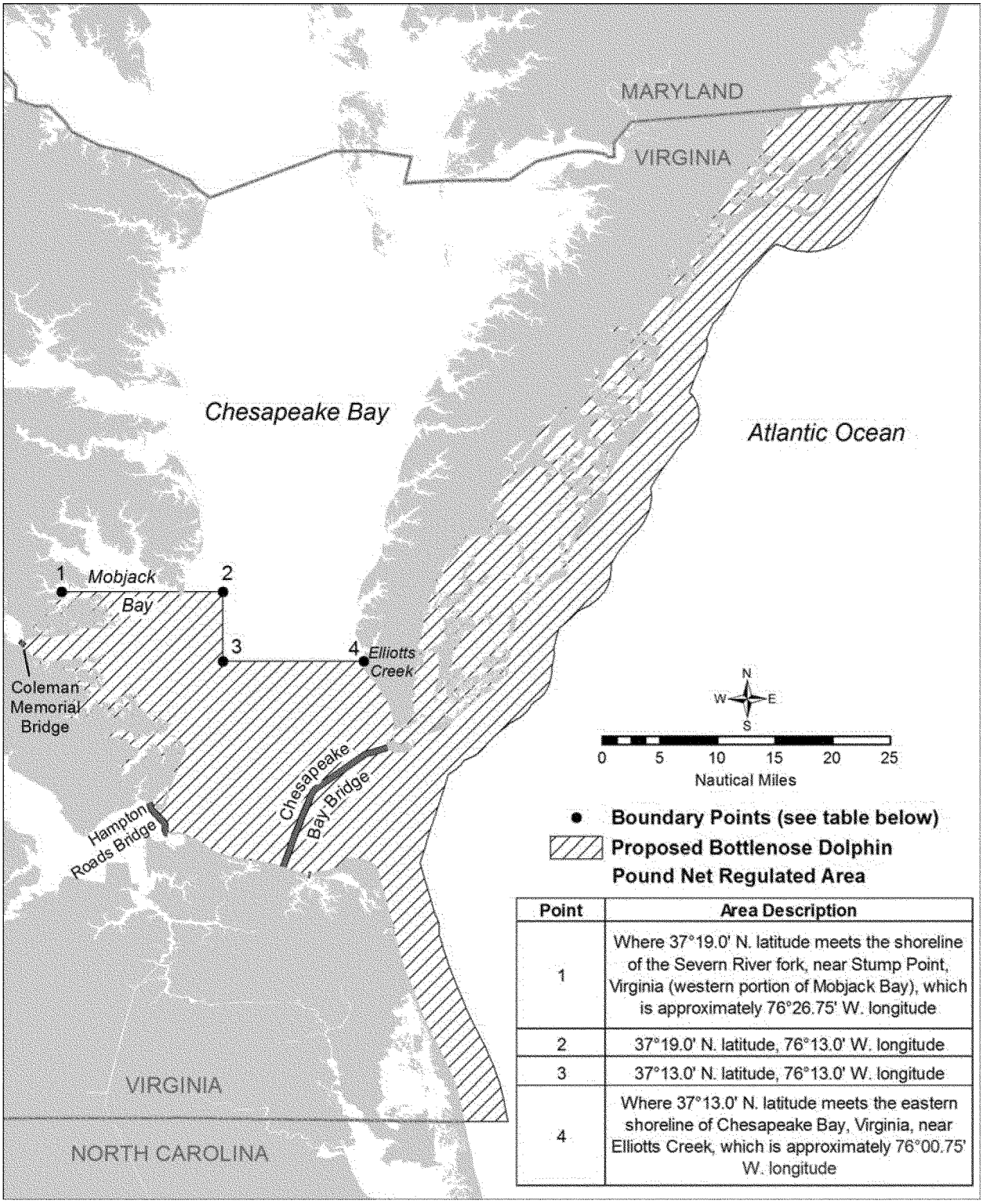
Proposed Regulatory Changes to the BDTRP

NMFS proposes to implement the BDTRP's 2009 regulatory recommendations for the Virginia pound net fishery with some revisions and updates. NMFS believes these measures are necessary to reduce serious injury and mortality of strategic stocks of bottlenose dolphins from interactions with Virginia pound net gear.

1. Proposed Regulated Waters and Virginia Pound Net Gear-Area Measures

NMFS proposes to implement the BDTRT's consensus recommendation for where and when modified pound net leaders are used. The proposed regulated waters would include the Virginia waters of the lower mainstem Chesapeake Bay currently regulated under the sea turtle conservation regulations and would extend east of the CBBT to include coastal state waters north to the Maryland/Virginia line and south to the Virginia/North Carolina line (Figure 2). NMFS proposes to define these regulated waters as the BDPNRA. The proposed BDPNRA does not add to the waters currently regulated under the combined state and federal regulated areas for modified pound net leader requirements. It would combine them into one area under a single, additional regulatory authority.

BILLING CODE 3510–22–P



Point	Area Description
1	Where 37°19.0' N. latitude meets the shoreline of the Severn River fork, near Stump Point, Virginia (western portion of Mobjack Bay), which is approximately 76°26.75' W. longitude
2	37°19.0' N. latitude, 76°13.0' W. longitude
3	37°13.0' N. latitude, 76°13.0' W. longitude
4	Where 37°13.0' N. latitude meets the eastern shoreline of Chesapeake Bay, Virginia, near Elliotts Creek, which is approximately 76°00.75' W. longitude

Figure 2. Proposed BDPNRA Action Area for Bottlenose Dolphin Pound Net Regulations Recommended by the BDTRT.

BILLING CODE 3510–22–C

NMFS proposes to require the year-round use of modified pound net leaders for offshore pound nets in the proposed BDPNRA as recommended by the BDTRT. Pound nets fished in the proposed BDPNRA and meeting the definition of an offshore pound net will be required to use modified pound net leaders year-round. The state currently requires the year-round use of modified pound net leaders for all pound nets fished in the proposed BDPNRA waters east of the CBBT, including state coastal waters. However, in the proposed BDPNRA waters west of the CBBT, the combined state and Federal sea turtle regulations currently only require

offshore pound nets to use modified pound net leaders from May 6 through July 31. Therefore, this proposed rule extends the required use of modified pound net leaders to year-round for offshore pound nets in all waters in the proposed BDPNRA. Requiring year-round use of modified pound net leaders on offshore pound nets will help reduce serious injury and mortality to all strategic stocks of bottlenose dolphins interacting with the gear in all months when the fishery is active.

NMFS proposes to update the Purpose and Scope of the BDTRP under § 229.35(a) based on the proposed regulations for pound nets. The purpose and scope currently only includes small, medium, and large mesh gillnets for the list of gear restricted by the section. The proposed update adds pound net gear to this list. This update will clarify gear regulated and restricted under this section based on proposed regulation. All other restrictions within the BDTRP would remain unchanged.

NMFS also proposes to update the Regulated Waters of the BDTRP under § 229.35(c). The regulated waters currently include those applicable to gillnet restrictions only. The proposed update includes reorganizing the regulated waters implementing regulations to add areas specific to pound nets, which are different than those specified for gillnets. Gillnet regulated waters are currently specified under § 229.35(c) and are proposed to be redesignated as § 229.35(c)(i). This update does not change the gillnet regulated waters, it simply reorganizes them. Pound net regulated waters are proposed as § 229.35(c)(ii) to accommodate proposed regulated waters for using modified pound net leaders in the BDPNRA.

2. Proposed Terms in the BDTRP Related to Virginia Pound Nets

NMFS also proposes to add and define several pound net related terms to the BDTRP under 50 CFR 229.2. Some of these were recommended by the BDTRT. Others were not considered by the BDTRT but are necessary for effective implementation of the BDTRT's recommended regulatory measures.

The BDTRT recommended NMFS add to the BDTRP the same definition of a modified pound net leader as currently used in sea turtle conservation regulations. NMFS proposes to add this definition to 50 CFR 229.2 with some modifications to clarify practices and more explicitly identify requirements for modified leader construction. Specifically, NMFS proposes to add a separate definition of hard lay lines, rather than include it in the modified pound net leader definition. Hard lay lines are required in the construction of modified pound net leaders. Therefore, hard lay lines are proposed as a separate definition, and the definition is clarified that fishermen can use line that is as least as stiff as what is defined. These proposed changes do not change the intent of the definition and what components make vertical lines hard lay. NMFS also proposes to add a phrase to the modified leader definition that the mesh portion of the modified leader be ''. . . held in place by a bottom chain, which is a line that forms the lowermost part of the pound net leader . . .''. The proposed revisions and updates to the modified pound net leader definition do not change the intent of the BDTRT's recommendations or the construction of the modified leaders as studied.

The BDTRT also recommended a revised definition for a nearshore pound net leader and that the offshore pound net leader definition remains as currently defined in the sea turtle conservation regulations. Both of these terms are currently defined under the sea turtle conservation regulations. Those definitions use distance from shore (i.e., 10 horizontal feet (3 m)) of the inland end of the leader at mean low water as the only differentiating factor for both offshore and nearshore pound net leaders. The BDTRT's recommended definition for a nearshore pound net added a water depth end point to the current definition as another factor for determining if a net is nearshore. The Team added this water depth because they felt the distance from shore portion of the current definition may still allow the leader to extend into deeper, more offshore waters, where a modified leader should be used. Therefore, they recommended the most offshore pole at the pound end (i.e., king post) be at 12 feet (3.7 m) or less mean low water depth. This was to ensure the king post did not extend beyond the 12 foot (3.7 m) depth where a modified leader should be used.

NMFS is proposing to define both nearshore and offshore pound nets in the BDTRP based on the BDTRT's definition but with revisions. These revisions are needed to address concerns raised with the current definitions and the BDTRT's recommended definition of a nearshore pound net leader. NMFS' proposed definition removes the distance from shore part of the definitions and uses limits on water depth of the leader, regardless of tide, as the defining factor. Using water depth only is clearer and more consistent for fishermen and enforcement. It reduces environmental variability and interpretation of determining mean low water and distance from shore measurements. It also provides conservation benefits for protected species by ensuring leaders extending into deeper waters use modified leaders, despite the distance from shore. Therefore, NMFS proposes to define an offshore pound net based on any part of the leader in water depth of 14 feet (4.3 m) or greater at any tidal condition. A nearshore pound net will be defined as a pound net leader with every part of its leader in waters less than 14 feet (4.3 m) at any tidal condition. NMFS coordinated with various NOAA offices and BDTRT members to develop these proposed definitions. NMFS also considered the BDTRT's recommended definition, pound net leader characteristics, and depth of the fishing grounds. The average tidal range in Chesapeake Bay within the proposed BDPNRA is approximately 2.4 feet (73.2 cm). Therefore, NMFS' proposed 14 feet (4.3 m) water depth is consistent with the BDTRT's recommended depth of 12 feet (3.7 m) at mean low water. Based on 2010 and 2011 NEFOP data, no nets will change from offshore to nearshore pound nets and vice versa as a result of the proposed definition changes.

NMFS also proposes to define pound nets. Although this was not considered or recommended by the BDTRT, the term is currently not defined in 50 CFR 229.2 or the sea turtle conservation regulations. NMFS believes it is necessary to define the type of gear to which these proposed regulations apply. In addition to defining the gear, NMFS proposes to ensure that all sections of the gear are fished at the same time. Pound nets are made of three sections: The leader, heart, and pound. All three sections are needed to actively fish the gear. However, the NEFOP data show that fishermen sometimes leave portions of their gear in the water (e.g., only the leader) to where it is not actively catching fish but still poses an entanglement risk to protected species. Therefore, NMFS proposes that the leader, heart, and pound must be fished at the same time with the exception of a continuous 10-day period to deploy, remove, and/or repair gear. NMFS proposes the 10-day duration after discussion with pound net gear experts as a suitable and realistic time period for deploying, removing, and/or repairing gear. The purpose of this requirement is to reduce gear in the water that is no longer fishing, but still poses an entanglement risk to dolphins and sea turtles.

3. Proposed Education and Enforcement of Virginia Pound Net Gear-Area Measures

Education and enforcement are necessary parts of any regulatory program to ensure they are working as intended. The BDTRT recommended NMFS either include the same pound net leader inspections as in the sea turtle conservation regulations or help ensure compliance and enforcement of proposed measures. NMFS agrees helping fishermen comply with regulations and assisting enforcement efforts are important. Therefore, NMFS proposes a combination of both an education program for Virginia pound net fishermen and collaborative on-water enforcement of deployed gear. Specifically, under the BDTRP, NMFS proposes to require education and compliance training for all fishermen deploying a modified pound net leader on offshore pound nets at any time in the proposed BDPNRA. Fishermen will be required to attend a one-time training prior to deploying modified pound net leaders. They will receive a certificate for attending the training that they must keep on their vessel. NMFS will retain its discretion to provide exceptions to this training in limited circumstances to add flexibility for any potential hardships. For enforcement, NMFS will coordinate with the VMRC to conduct on-water enforcement and monitoring of the modified leader through a Joint Enforcement Agreement.

The purpose of the proposed education and enforcement is to more efficiently ensure and accurately determine compliance with the modified leader requirements. Conducting compliance training for fishermen educates them about gear requirements before the gear is constructed and deployed. Coordinating with the VMRC to evaluate the gear in the water provides more opportunities for accurate measurements of some of the gear requirements.

Proposed Non-Regulatory Changes to the BDTRP

NMFS proposes to update the non-regulatory measures in the BDTRP based on the BDTRT's recommendations for Virginia pound nets. NMFS agrees with all the BDTRT's non-regulatory measures. Some of these were already implemented because of their adaptive nature, and others will continue to be implemented in the future as needed. NMFS initially formed a Virginia pound net working group per the BDTRT's recommendations to help further refine several parts of their regulatory recommendations. NMFS consulted with several of these working group members throughout the development of this proposed rule and will continue this dialogue in the future as needed.

NMFS coordinated with the VMRC per the BDTRT's recommendations. The Team recommended NMFS inform the state of their recommendations for the Virginia pound net fishery and coordinate with them on enforcement. Following the BDTRT's 2009 meeting, NMFS sent a letter to the state and provided them with the team's recommendations. The VMRC subsequently implemented state regulations requiring modified pound net leaders partly based on the team's recommendations. NMFS also started coordinating with the VMRC in 2011 for on-water enforcement and inspections of modified leaders through a Joint Enforcement Agreement. NMFS will continue to partner with the state on enforcement.

The BDTRT noted the importance of outreach to Virginia pound net fishermen on any regulations regarding pound net gear. NMFS agrees and will provide outreach to fishermen in several ways. First, NMFS will send all the Virginia pound net fishermen within the proposed BDPNRA a letter informing them of this proposed rule based on the BDTRT's consensus recommendations. Second, during the proposed and final rule process, NMFS' fishery liaisons will be available to answer questions as necessary and provide additional information. Finally, as mentioned above, NMFS proposes to conduct required compliance training for all affected fishermen before they deploy their gear. This additional outreach combined with the educational training will help ensure fishermen understand any gear requirements before deployment.

ESA and Sea Turtle Conservation Measures

All sea turtles in U.S. waters are listed as either endangered or threatened under the ESA. The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles are listed as endangered. The green turtle (*Chelonia mydas*) and Northwest Atlantic Ocean Distinct Population Segment of loggerhead sea turtles (*Caretta caretta*) are listed as threatened. However, the breeding populations of green turtles in Florida and on the Pacific Coast of Mexico are listed as endangered.

Under the ESA and its implementing regulations, taking sea turtles, even incidentally, is prohibited. Take is defined under the ESA as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct''. The term incidental take refers to takings of endangered and threatened species that result from, but are not the purpose of, an otherwise lawful activity. The incidental take of listed species may be exempted from the ESA take prohibition by an incidental take statement or permit issued under section 7 or 10 of the ESA, respectively. Sea turtle conservation regulations at § 223.206(d) provide some exemptions for the incidental take of threatened sea turtles in fishing activities and scientific research.

History of Sea Turtle Conservation for the Virginia Pound Net Fishery

Both juvenile and adult sea turtles generally occur in the Virginia waters of Chesapeake Bay from May through November (Lutcavage and Musick 1985; Musick and Limpus 1997; Mansfield *et al.* 2009). Loggerhead sea turtles are the most abundant sea turtle species in that area, followed by Kemp's ridleys, then greens, and leatherbacks (Mansfield 2006). Juvenile loggerheads and Kemp's ridleys specifically appear to use the Virginia waters of Chesapeake Bay as important growth and foraging habitats (Bellmund *et al.* 1987; Musick and Limpus 1997; Mansfield *et al.* 2009).

Stranded sea turtles are found during all months that sea turtles occur in the Virginia Chesapeake Bay waters. The total number of annual strandings varies slightly from year to year. From 1995 to 2011, total annual strandings ranged from a low of 158 in 1995 to a high of 523 in 2003. High concentrations of stranded sea turtles were found along Cape Charles in the early 2000s. Between 2000 and 2003, from April through September, sea turtle strandings along Cape Charles accounted for approximately 43 percent of all strandings in Virginia. Reported stranding numbers declined after 2004. From 2004 to 2011 for the same months and area, average strandings decreased to 34 percent of all strandings in Virginia (Thomas *et al.* 2012).

In Virginia, each spring and early summer, the Sea Turtle Stranding and Salvage Network reports high sea turtle strandings. Most of the previous high stranding events occurred between May and June, with elevated strandings during the first half of July. In 2009, however, a concentration of increased strandings (n = 36) occurred along Cape Charles from July 24 to September 30. This was a four-fold increase in strandings compared to the previous four years in the same time and area. These strandings also occurred later,

with peak numbers in late July through September.

The available data cannot statistically demonstrate a causal connection between pound net interactions and high spring strandings. However, there is data indicating the pound net fishery was a likely cause of a portion of sea turtle mortality in Chesapeake Bay (NMFS 2004). Carcass decomposition limits post-death assessment of many stranded turtles, but available information on some strandings was consistent with mortality from fisheries interactions (Trapani *et al.* 2009).

NMFS has documented lethal and non-lethal takes of sea turtles in pound net leaders. Specifically, the NEFOP monitored and characterized the pound net fishery while it was active in 2002, 2003, 2004, 2005, 2009, and 2010. Research was also conducted on modified pound net leaders in 2004 and 2005. A total of 31 entanglements in leaders and 18 impingements (i.e., turtles held against the leader by the current) were documented by the NEFOP or recorded during modified leader studies. All documented entanglements and impingements occurred in either May or June. These documented entanglements and impingements represent minimum counts of sea turtle interactions in pound net leaders.

NMFS issued a series of amendments to the sea turtle conservation regulations for the Virginia pound net fishery (§ 223.206(d)(10)) to reduce takes of sea turtles in leaders because of documented interactions and high stranding events. An interim final rule was published in 2002 (67 FR 41196; June 17, 2002). This rule contained several requirements and prohibitions for pound nets set in the Virginia waters of the mainstem Chesapeake Bay and portions of the tributaries. From May 8 through June 30 in these areas, pound net leaders made with either stringers (i.e., vertical lines) or stretched mesh measuring 12 inches (30.5 cm) and greater were prohibited. Fishermen were also required to report all interactions with sea turtles in their pound net gear to NMFS within 24 hours of returning from the fishing trip. The interim final rule also included a year-round requirement that pound net fishing operations must be observed by a NMFS-approved observer if requested. Finally, the 2002 rule established a framework to further protect sea turtles. The framework allows NMFS to change the restrictions and their effective dates on an expedited basis by responding to new information, such as the entanglement of a sea turtle in a pound net leader.

NMFS issued a final rule in 2004 pertaining to Virginia pound nets (69 FR 24997; May 5, 2004). This rule prohibited the use of offshore pound net leaders from May 6 through July 15 in the waters defined as PNRA I (see Figure 1). It also retained the mesh size requirements and stringer prohibitions established by the 2002 interim final rule. These requirements and prohibitions were established for nearshore pound net leaders only in PNRA I and all pound net leaders in PNRA II from May 6 through July 15. The rule also defined a pound net leader, offshore pound net leader, and nearshore pound net leader. Finally, it retained the monitoring and reporting requirements and framework mechanism established in 2002.

In 2006, NMFS issued another final rule requiring the use of modified pound net leaders for offshore pound nets (71 FR 36024; June 23, 2006). Specifically, any offshore pound net leader set in PNRA I from May 6 through July 15 each year must use a modified pound net leader. The final rule also defined a modified pound net leader. Finally, it retained the prior mesh size requirements and stringer prohibitions for nearshore pound nets in PNRA I and all leaders in PNRA II; monitoring and reporting provisions; and framework mechanism.

Lastly, NMFS issued a final rule in 2008 establishing a land-based inspection program for modified pound net leaders (73 FR 68348; November 18, 2008). Following the 2006 final rule, NMFS recognized the need for an inspection program to determine if a modified pound net leader met the regulatory definition prior to deployment. Pre-deployment inspections were intended to help ensure the protection of sea turtles, while limiting the difficulties of post-deployment inspections at-sea. Therefore, the inspection program requires fishermen to notify NMFS at least 72 hours before deploying modified pound net leaders fished in the Virginia Chesapeake Bay waters from May 6 through July 15. NMFS then examines modified leaders for compliance with the definition of a modified pound net leader. This inspection also involves collecting information from fishermen on the depth and physical location of their gear and tagging the leader after it passes inspection to aid enforcement.

Proposed Regulatory Changes to ESA Sea Turtle Conservation Measures

NMFS proposes to amend the ESA sea turtle conservation regulations for the Virginia pound net fishery for consistency with some of the proposed BDTRP amendments under the MMPA and to clarify the intent of the original regulations. ESA regulations for sea turtle conservation are found at 50 CFR parts 222 and 223. The main proposed changes to the ESA regulations are to ensure any Virginia pound net related terms are defined the same between both the ESA regulations and the MMPA regulations. The proposed education and enforcement program for facilitating compliance with the use of modified leaders is also proposed under the ESA regulations to replace the existing land-based inspection program. The times and areas currently requiring the use of modified pound net leaders for offshore pound nets and requirements for nearshore pound nets for sea turtle conservation will remained unchanged in § 223.206(d)(10)(i) and (ii).

1. Proposed Amendments for Terms Related to Virginia Pound Nets

NMFS proposes to revise, define, and add several pound net related terms under 50 CFR 222.102. The purpose of these changes and additions is to: (1) Clarify the definitions in the previous regulations promulgated under the ESA while providing consistency with the newly proposed MMPA measures governing the same fishery; and (2) add definitions to assist in effective implementation of the regulatory measures.

Modified pound net leaders are currently defined at 50 CFR 222.102. NMFS proposes to remove the description for hard lay lines that is currently at the end of the modified pound net leader definition and define hard lay lines and modified pound net leaders separately. Hard lay lines are currently described within the modified pound net leader definition itself but are not formerly defined outside this description. Therefore, hard lay lines are proposed as a separate definition and removed from the end of the modified pound net leader definition. The hard lay line definition is also clarified so that fishermen can use line at least as stiff as what is defined. These proposed changes do not change the intent of the definition and what components make vertical lines hard lay. NMFS also proposes to add a phrase to the modified leader definition that the mesh portion of the modified leader be ''. . . held in place by a bottom chain, which is a line that forms the lowermost part of the pound net leader . . .'' This serves to clarify the configuration of the modified pound net leader and does not change the intent of

the regulations or the construction of the modified leaders as studied.

NMFS also proposes to revise the definitions of nearshore and offshore pound net leaders currently defined at 50 CFR 222.102. As noted earlier, the BDTRT recommended revisions to the nearshore pound net leader definition. This recommendation was to address concerns with nearshore pound nets potentially extending into deeper, more offshore waters where modified pound net leaders should be used to reduce protected species interactions. Subsequent discussions and coordination with various NOAA offices and BDTRT members resulted in slightly revised definitions as proposed. Both nearshore and offshore pound net leaders are currently defined in the regulations and use distance from shore at mean low water as a defining factor. The proposed nearshore and offshore pound net leader definitions revise the current definitions by removing distance from shore and using water depth of the leader regardless of tide as the only defining factor. As mentioned, using water depth only is clearer and more consistent for fishermen and enforcement. Therefore, NMFS proposes to define an offshore pound net leader as a leader with any part of the leader in water depths of 14 feet (4.3 m) or greater at any tidal condition. A nearshore pound net leader will be defined as a leader with every part of its leader in water depths less than 14 feet (4.3 m) at any tidal condition. While initiated by the BDTRT for bottlenose dolphins, NMFS proposes to revise these definitions in the ESA regulations as they more effectively capture the original intent and purpose of defining nearshore and offshore pound net leaders for sea turtle conservation. They will also aid public interpretation of the regulations and ensure consistency between ESA and MMPA regulations affecting the Virginia pound net fishery. No existing leaders will change from an offshore to nearshore pound net or vice versa based on the proposed definition changes.

Finally, NMFS proposes a new definition for pound nets at 50 CFR 222.102. This term was not previously defined but is helpful to identify the type of gear to which these regulations apply. In addition to defining the gear, NMFS proposes to ensure that all sections of the gear are fished at the same time. As discussed previously, NEFOP data show that fishermen sometimes leave portions of their gear in the water (e.g., only the leader) so that it is not actively catching fish but still poses a risk of entanglement to protected species. Therefore, NMFS proposes that the leader, heart, and pound must be fished at the same time with the exception of a continuous 10-day period to deploy, remove, and/or repair their gear. The purpose of this requirement is to reduce gear in the water that is no longer fishing but still poses an entanglement risk.

2. Proposed Education and Enforcement of Virginia Pound Net Gear-Area Measures

In 2008, NMFS established a land-based inspection program for modified pound net leaders to determine if a modified pound net leader met the regulatory definition prior to deployment. The purpose of this program was to ensure the protection of sea turtles, while limiting the difficulties of post-deployment inspections at-sea. The program shows effectiveness in evaluating the gear on land, but it is time intensive for both NMFS and fishermen and does not evaluate the gear as it is fished in the water. Further, there are other techniques available (e.g., scuba divers) that will provide more accurate measurements of some of the gear requirements.

NMFS, therefore, proposes a combination of an education program for Virginia pound net fishermen and a collaborative on-water enforcement program for deployed gear to replace the current inspection program. Specifically, NMFS proposes to remove the current Virginia modified pound net leader inspection program at § 223.206(d)(10)(vii). NMFS proposes to require education and compliance training for all fishermen deploying a modified pound net leader in Virginia state waters at any time from May 6 through July 15 of any year. Fishermen will be required to attend a one-time training prior to deploying modified pound net leaders. Fishermen will receive a certificate for attending the training that they must keep on their vessel during fishing operations. NMFS will retain its discretion to provide exceptions to this training in limited circumstances to add flexibility for any potential hardships. For the on-water enforcement, NMFS will coordinate with the VMRC to conduct on-water enforcement and monitoring of the modified leader through a Joint Enforcement Agreement. The purpose of this proposed education and enforcement program is to more efficiently and accurately determine compliance with the modified leader requirements and alleviate the burden from annual on-land inspections.

Technical Amendments

NMFS proposes two technical amendments to the existing PNRA I and II definitions in 50 CFR 222.102. The first clarifies the northern and the southern boundaries of PNRA I to ease interpretation of the boundary lines and clarify the regulated area. The area regulated under PNRA I remains unchanged. The northern boundary of PNRA I is currently referred to in the definition as ''. . . south of 37°19.0′ N. lat. and west of 76°13.0′ W. long., and all waters south of 37°13.0′ N. lat. to the Chesapeake Bay Bridge Tunnel . . .''. The proposed definition replaces this with the following four points connected by a straight line: (1) Where 37°19.0′ N. lat. meets the shoreline of the Severn River fork, near Stump Point, Virginia (western portion of Mobjack Bay), which is approximately 76°26.75′ W. long.; (2) 37°19.0′ N. lat., 76°13.0′ W. long.; (3) 37°13.0′ N. lat., 76°13.0′ W. long.; and (4) where 37°13.0′ N. lat. meets the eastern shoreline of Chesapeake Bay, Virginia, near Elliotts Creek, which is approximately 76°00.75′ W. long. The southern boundary of PNRA I is currently referred to in the definition as ''. . . the Chesapeake Bay Bridge Tunnel (extending from approximately 37°05′ N. lat., 75°59′ W. long. to 36°55′ N. lat., 76°08′ W. long.) at the mouth of the Chesapeake Bay . . .''. The proposed definition revises two of the coordinates from 37°05′ N. lat. to 37°07′ N. lat. and 75°59′ W. long. to 75°58′ W. long., respectively.

The second technical amendment clarifies the southeast boundary of PNRA II. The purpose of this amendment is to clarify the boundary line and regulated area at the mouth of the Chesapeake Bay north of Fisherman's Island and east to Smith Island. The southeast boundary of PNRA II is currently referred to in the definition as ''. . . to the COLREGS line at the mouth of the Chesapeake Bay''. The proposed definition replaces this with ''. . . to the COLREGS line at the mouth of the Chesapeake Bay and 37°07′ N. lat. between Kiptopeke and Smith Island, Northampton County, Virginia''.

Classification

This proposed rule was determined to be not significant under Executive Order 12866.

NMFS determined this action is consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program. This determination was submitted for review by the responsible state agencies under

section 307 of the Coastal Zone Management Act.

This action contains policies with federalism implications that were sufficient to warrant preparation of a federalism summary impact statement under Executive Order 13132 and a federalism consultation with officials in the state of Virginia. Accordingly, the Assistant Secretary for Legislative and Intergovernmental Affairs provided notice of the proposed action to the appropriate officials in Virginia.

NMFS examined the proposed action for compliance with ESA Section 7 requirements. This action was found to be in compliance with the legal requirements of Section 7 of the ESA. Furthermore, the only impacts associated with the measures contained in this proposed rule are likely to be beneficial to listed species because the proposed action requires the year-round use of beneficial gear modifications rather than the current seasonal use.

This proposed rule does not contain collection-of-information requirements subject to the Paperwork Reduction Act. The sea turtle conservation regulations have a current Paperwork Reduction Act collection requirement in place (OMB control number 0648–0559) for the existing inspection program. This proposed rule would remove that collection of information requirement, reducing the overall burden.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

The purpose of this proposed rule is to reduce serious injury and mortality of bottlenose dolphins from incidental takes in the Virginia pound net fishery by amending the BDTRP under the MMPA implementing regulations. The proposed rule also amends current regulations and definitions for Virginia pound nets under the ESA for sea turtle conservation for consistency. The MMPA and ESA provide the statutory base for the proposed rule.

As discussed in the preamble, this proposed rule would result in duplicative and overlapping regulations for fishermen using pound nets in a portion of the proposed action area. This duplication and overlap would result from current restrictions promulgated under a separate regulatory authority. In essence, this proposed rule would expand the area and timeframe currently subject to restrictions on the use of pound nets in which the regulations would apply. Both the current regulations and the regulations proposed by this rule would be established under NOAA's own authority, and this proposed rule has been carefully developed to create consistency with the current regulations. As a result, no conflict would result from this duplication and overlap and the burden associated with compliance would not increase under duplicate promulgation because compliance under one authority would satisfy the requirements of both. No other duplicative, overlapping, or conflicting federal rules have been identified.

This proposed rule would remove existing documentation and reporting provisions associated with the current annual gear inspection requirements. The proposed rule would replace these requirements with a proposed one-time education and compliance training requirement. This compliance training does not include any reporting or record-keeping requirements and, as a result, would reduce the overall burden associated with these tasks on the fishermen expected to be directly affected by this proposed rule. Otherwise, this proposed rule would simply expand the circumstances under which fishermen would have to use a specific type of leader when using pound nets in the proposed action area. All affected fishermen are expected to currently have experience using this type of leader and this experience is consistent with the professional skill necessary for the use of pound nets. As a result, no change in the professional skills necessary to meet this compliance requirement would be expected. This proposed action would not establish any new reporting, record-keeping, or other compliance requirements.

This proposed action would be expected to directly affect fishermen who use pound nets in the proposed BDPNRA (i.e., the proposed action area described in the preamble). In 2010, Virginia sold 41 licenses to 16 entities who fished with pound nets within the proposed BDPNRA. The average annual dockside revenue from all fishing activities for these entities in 2010 was approximately $126,557 (2010 dollars). More recent data are not available.

The Small Business Administration (SBA) has established size criteria for all major industry sectors in the U.S. including fish harvesters. A business involved in fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and combined annual receipts do not exceed $19.0 million (NAICS code 114111, Finfish Fishing) for all its affiliated operations worldwide. This receipts threshold is the result of a final rule issued by the SBA on June 20, 2013, that increased the size standard for the Finfish Fishing sector from $4.0 to $19.0 million (78 FR 37398). The new threshold became effective July 22, 2013. Based on the estimated average annual revenue of entities using Virginia pound net gear in 2010, all entities expected to be directly affected by this proposed rule are believed to be small business entities.

As previously stated, in 2010, Virginia sold 41 licenses to 16 entities who fished with pound nets within the proposed BDPNRA. Excluding oysters, clams, and shellfish licenses, over 3,000 commercial fishing licenses were sold to Virginia commercial fishermen in 2010. Therefore, this proposed rule would be expected to affect less than one percent of commercial fishermen in Virginia and, as a result, would not be expected to affect a significant number of small entities.

The proposed changes to the pound net leader requirements would be expected to result in continued normal fishing practices, harvests, prices, and revenues. The proposed rule requires the year-round use of modified pound net leaders in the entire proposed BDPNRA. Although these regulations would be more restrictive than current requirements, no economic effects on fishermen are expected. In response to current requirements, fishermen are expected to already use modified leaders for the entire fishing season when fishing with pound net gear in these areas even if not required, for two main reasons: (1) Research on the catch efficiency of modified pound net leaders within the proposed BDPNRA showed no significant differences in harvest weight for the species analyzed when compared to using traditional leaders; and (2) the costs associated with maintaining two types of leaders and switching the gear when modified leaders are not required would not make rational economic sense given the absence of improvements in catch efficiency. Traditional leaders installed on offshore pound nets cost $5,418 to make and install/remove. Maintaining and using both types of leaders (i.e., traditional and modified) would require expenditure of this cost, in addition to the cost of making a modified leader, as well as labor costs of switching leaders. If harvest and revenue is not increased by switching to the traditional leader, as demonstrated by available research, then bearing these additional gear and labor costs would be unjustified. Thus, even though this proposed rule would

change the pound net leader requirements, all fishermen who would be potentially affected are expected to currently use modified leaders when using pound nets in the area and time specified by this proposed rule. Therefore, no economic impacts are expected to result from the proposed rule.

Because this proposed rule, if implemented, would not be expected to have a significant direct adverse economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required and one was not prepared.

References Cited

Available upon request (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects

50 CFR Part 222

Endangered and Threatened species, Exports, and Reporting and recordkeeping requirements.

50 CFR Part 223

Endangered and Threatened species, Exports, and Transportation.

50 CFR Part 229

Administrative practice and procedure, Confidential business information, Fisheries, Marine mammals, Reporting and record keeping requirements.

Dated: April 9, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR parts 222, 223, and 229 are proposed to be amended as follows:

PART 222—GENERAL ENDANGERED AND THREATENED MARINE SPECIES

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.;* 16 U.S.C. 742a *et seq.*

■ 2. In § 222.102:

■ a. Add the definitions for ''Hard lay lines'', ''Nearshore pound net leader or nearshore pound net'', ''Offshore pound net leader or offshore pound net'', and ''Pound net''; and

■ b. Revise the definitions for ''Modified pound net leader,'' ''Pound net leader,'' ''Pound Net Regulated Area I,'' and ''Pound Net Regulated Area II'' in alphabetical order to read as follows:

§ 222.102 Definitions.

* * * * *

Hard lay lines mean lines that are at least as stiff as 5/16 inch (0.8 cm) diameter line composed of polyester wrapped around a blend of poly-propylene and polyethylene and 42 visible twists of strands per foot of line.

* * * * *

Modified pound net leader means a pound net leader that is affixed to or resting on the sea floor and made of a lower portion of mesh and an upper portion of only vertical lines such that the mesh size is equal to or less than 8 inches (20.3 cm) stretched mesh; at any particular point along the leader, the height of the mesh from the seafloor to the top of the mesh must be no more than one-third the depth of the water at mean lower low water directly above that particular point; the mesh is held in place by a bottom chain that forms the lowermost part of the pound net leader; the vertical lines (stringers) extend from the top of the mesh up to a top line, which is a line that forms the uppermost part of the pound net leader; the vertical lines are equal to or greater than 5/16 inch (0.8 cm) in diameter and strung vertically at a minimum of every 2 feet (61 cm); and the vertical lines are hard lay lines.

Nearshore pound net leader or nearshore pound net means a pound net with every part of the leader (from the most offshore pole at the pound end of the leader to the most inshore pole of the leader) in less than 14 feet (4.3 m) of water at any tidal condition.

* * * * *

Offshore pound net leader or offshore pound net means a pound net with any part of the leader (from the most offshore pole at the pound end of the leader to the most inshore pole of the leader) in water greater than or equal to 14 feet (4.3 m) at any tidal condition.

* * * * *

Pound net means a fixed entrapment gear attached to posts or stakes with three continuous sections from offshore to inshore consisting of: (1) A pound made of mesh netting that entraps the fish; (2) at least one heart made of a mesh netting that is generally in the shape of a heart and aids in funneling fish into the pound; and (3) a leader, which is a long, straight element consisting of mesh or vertical lines that directs the fish offshore towards the pound.

Pound net leader means a long straight net that directs fish offshore towards the pound, an enclosure that captures the fish. Some pound net leaders are all mesh, while others have stringers and mesh. Stringers, also known as vertical lines, are spaced a regular distance apart and are not crossed by other lines to form mesh.

Pound Net Regulated Area I means Virginia waters of the mainstem Chesapeake Bay and the portion of the James River seaward of the Hampton Roads Bridge Tunnel (Interstate Highway-64) and the York River seaward of the Coleman Memorial Bridge (Route 17), bounded to the south and east by the Chesapeake Bay Bridge Tunnel (Route 13; extending from approximately 37°07′ N. lat., 75°58′ W. long. to 36°55′ N. lat., 76°08′ W. long.), and to the north by the following points connected by straight lines and in the order listed:

Point	Area description
1	Where 37°19.0′ N. lat. meets the shoreline of the Severn River fork, near Stump Point, Virginia (western portion of Mobjack Bay), which is approximately 76°26.75′ W. long.
2	37°19.0′ N. lat., 76°13.0′ W. long.
3	37°13.0′ N. lat., 76°13.0′ W. long.
4	Where 37°13.0′ N. lat. meets the eastern shoreline of Chesapeake Bay, Virginia, near Elliotts Creek, which is approximately 76°00.75′ W. long.

Pound Net Regulated Area II means Virginia waters of the Chesapeake Bay outside of Pound Net Regulated Area I, bounded by the Maryland-Virginia State line to the north and by the COLREGS line at the mouth of the Chesapeake Bay and 37°07′ N. lat. between Kiptopeke and Smith Island, Northampton County, Virginia to the south and east. This area includes the Great Wicomico River seaward of the Jessie Dupont Memorial Highway Bridge (Route 200), the Rappahannock River downstream of the Robert Opie Norris Jr. Bridge (Route 3), the Piankatank River downstream of the Route 3 Bridge, and all other tributaries within these boundaries.

* * * * *

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 3. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 4. In § 223.205, paragraphs (b)(17) through (b)(20) are revised to read as follows:

§ 223.205 Sea turtles.

* * * * *

(b) * * *

(17) Set, fish with, or fail to remove a modified pound net leader in Pound Net Regulated Area I or Pound Net Regulated Area II defined in 50 CFR 222.102 and referenced in 50 CFR 223.206(d)(10) at any time from May 6 through July 15 unless the pound net licensee and the vessel operator meet the modified pound net leader compliance training requirements in accordance with 50 CFR 223.206(d)(10)(vii).

(18) Alter or replace any portion of a modified pound net leader so that the altered or replaced portion no longer meets the modified pound net leader definition in 50 CFR 222.102, unless that alteration or replacement occurs outside the regulated period of May 6 through July 15.

(19) Set, fish with, or fail to remove a modified pound net leader at any time from May 6 through July 15 in Pound Net Regulated Area I or Pound Net Regulated Area II unless the fisherman has on board the vessel a valid modified pound net leader compliance training certificate issued by NMFS.

(20) Set, fish with, or fail to remove pound net gear in Pound Net Regulated Area I or Pound Net Regulated Area II, unless it has the all three continuous sections as defined in 50 CFR 222.102, except that one or more sections may be missing for a maximum period of 10 days for purposes of setting, removing, and/or repairing pound nets.

* * * * *

■ 5. In § 223.206, paragraph (d)(10)(vii) is revised to read as follows:

§ 223.206 Exemptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *

(10) * * *

(vii) Modified pound net leader compliance training. Any pound net licensee and any vessel operator who have modified pound net leaders set in Pound Net Regulated Area I or Pound Net Regulated Area II at any time from May 6 through July 15 must have completed modified pound net leader compliance training and possess on board the vessel a valid modified pound net leader compliance training certificate issued by NMFS. NMFS retains discretion to provide exemptions in limited circumstances where appropriate. Notice will be given by NMFS announcing the times and locations of modified pound net leader compliance training.

* * * * *

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

■ 6. The authority citation for part 229 continues to read as follows:

Authority: 16. U.S.C. 1361 *et seq;* § 229.32(f) also issued under 16 U.S.C. 1531 *et seq.*

■ 7. In § 229.2, the definitions ''Hard lay lines,'' ''Modified pound net leader,'' ''Nearshore pound net,'' ''Offshore pound net,'' and ''Pound net'' are added in alphabetical order to read as follows:

§ 229.2 Definitions.

* * * * *

Hard lay lines mean lines that are at least as stiff as 5/16 inch (0.8 cm) diameter line composed of polyester wrapped around a blend of poly-propylene and polyethylene and 42 visible twists of strands per foot of line.

* * * * *

Modified pound net leader means a pound net leader that is affixed to or resting on the sea floor and made of a lower portion of mesh and an upper portion of only vertical lines such that the mesh size is equal to or less than 8 inches (20.3 cm) stretched mesh; at any particular point along the leader, the height of the mesh from the seafloor to the top of the mesh must be no more than one-third the depth of the water at mean lower low water directly above that particular point; the mesh is held in place by a bottom chain that forms the lowermost part of the pound net leader; the vertical lines extend from the top of the mesh up to a top line, which is a line that forms the uppermost part of the pound net leader; the vertical lines are equal to or greater than 5/16 inch (0.8 cm) in diameter and strung vertically at a minimum of every 2 feet (61 cm); and the vertical lines are hard lay lines.

Nearshore pound net means a pound net with every part of the leader (from the most offshore pole at the pound end of the leader to the most inshore pole of the leader) in less than 14 feet (4.3 m) of water at any tidal condition.

* * * * *

Offshore pound net means a pound net with any part of the leader (from the most offshore pole at the pound end of the leader to the most inshore pole of the leader) in water greater than or equal to 14 feet (4.3 m) at any tidal condition.

* * * * *

Pound net means a fixed entrapment gear attached to posts or stakes with three continuous sections from offshore to inshore consisting of: (1) A pound made of mesh netting that entraps the fish; (2) at least one heart made of a mesh netting that is generally in the shape of a heart and aids in funneling fish into the pound; and (3) a leader, which is a long, straight element consisting of mesh or vertical lines that directs the fish offshore towards the pound.

* * * * *

■ 8. In § 229.3 paragraph (s) and paragraph (v) are revised to read as follows:

§ 229.3 Prohibitions.

* * * * *

(s) It is prohibited to set, fish with, or possess on board a vessel unless stowed, or fail to remove, any gillnet or pound net from the waters specified in § 229.35(c) unless the gear complies with the specified restrictions set forth in § 229.35(d).

* * * * *

(v) It is prohibited to set, fish with, or fail to remove a modified pound net leader in the Bottlenose Dolphin Pound Net Regulated Area unless the fisherman has on board the vessel a valid modified pound net leader compliance training certificate issued by NMFS.

* * * * *

■ 9. In § 229.35:

■ a. Revise paragraphs (a), (c), and (d)(2)(ii) and;,

■ b. In paragraph (b) add the definition for ''Bottlenose Dolphin Pound Net Registered Area''.

The revisions and additions read as follows:

§ 229.35 Bottlenose Dolphin Take Reduction Plan.

(a) *Purpose and scope.* The purpose of this section is to implement the Bottlenose Dolphin Take Reduction Plan (BDTRP) to reduce incidental mortality and serious injury of strategic stocks of bottlenose dolphins within the Western North Atlantic coastal morphotype in specific Category I and II commercial fisheries from New Jersey through Florida. Specific Category I and

II commercial fisheries within the scope of the BDTRP are indentified and updated in the annual List of Fisheries. Gear restricted by this section includes small, medium, and large mesh gillnets and pound nets. The geographic scope of the BDTRP is all tidal and marine waters within 6.5 nautical miles (12 km) of shore from the New York-New Jersey border southward to Cape Hatteras, North Carolina, and within 14.6 nautical miles (27 km) of shore from Cape Hatteras, southward to, and including the east coast of Florida down to the fishery management council demarcation line between the Atlantic Ocean and the Gulf of Mexico (as described in § 600.105 of this title).

(b) * * *

Bottlenose Dolphin Pound Net Regulated Area means all Virginia marine waters of the Atlantic Ocean within 3 nautical miles (5.56 km) of shoreline and all adjacent tidal waters, bounded on the north by 38°01.6′ N. (Maryland/Virginia border) and on the south by 36°33′ N (Virginia/North Carolina border); and all southern Virginia waters of the mainstem Chesapeake Bay bounded on the south and west by the Hampton Roads Bridge Tunnel across the James River and the Coleman Memorial Bridge across the York River; and north and east by the following points connected by straight lines in the order listed:

Point	Area description
1	Where 37°19.0′ N. lat. meets the shoreline of the Severn River fork, near Stump Point, Virginia (western portion of Mobjack Bay), which is approximately 76°26.75′ W. long.
2	37°19.0′ N. lat., 76°13.0′ W. long.
3	37°13.0′ N. lat., 76°13.0′ W. long.
4	Where 37°13.0′ N. lat. meets the eastern shoreline of Chesapeake Bay, Virginia, near Elliotts Creek, which is approximately 76°00.75′ W. long.

* * * * *

(c) *BDTRP Regulated Waters*—(i) *Gillnets.* The regulations pertaining to gillnets in this section apply to New Jersey, Delaware, and Maryland State waters; Northern North Carolina State waters; Northern Virginia State waters; South Carolina, Georgia, and Florida waters; Southern North Carolina State waters; and Southern Virginia State waters as defined in § 229.35(b), except for the waters identified in § 229.34(a)(2), with the following modification and addition. From Chincoteague to Ship Shoal Inlet in Virginia (37°52′ N. 75°24.30′ W. to 37°11.90′ N. 75°48.30′ W) and South Carolina, Georgia, and Florida waters, those waters landward of the 72 COLREGS demarcation line (International Regulations for Preventing Collisions at Sea, 1972), as depicted or noted on nautical charts published by the National Oceanic and Atmospheric Administration (Coast Charts 1:80,000 scale), and as described in 33 CFR part 80 are excluded from the regulations.

(ii) *Pound nets.* The regulations pertaining to pound nets in this section apply to the Bottlenose Dolphin Pound Net Regulated Area.

(d) * * *

(2) * * *

(ii) *Pound nets.* (A) Year-round, any offshore pound net in the Bottlenose Dolphin Pound Net Regulated Area must use a modified pound net leader.

(B) Year-round, any nearshore and offshore pound nets set in the Bottlenose Dolphin Pound Net Regulated Area must have all three continuous sections as defined in 50 CFR 229.2, except that one or more sections may be missing for a maximum period of 10 days for purposes of setting, removing, and/or repairing pound nets.

(C) The pound net licensee and the vessel operator of any offshore pound net set in the Bottlenose Dolphin Pound Net Regulated Area must have completed modified pound net leader compliance training and possess on board the vessel a valid modified pound net leader compliance training certificate issued by NMFS. NMFS retains discretion to provide exemptions in limited circumstances where appropriate. Notice will be given by NMFS announcing the times and locations of modified pound net leader compliance training.

* * * * *

[FR Doc. 2014–08665 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 74

Thursday, April 17, 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

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Emerging Markets Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2015 Emerging Markets Program (EMP). The intended effect of this notice is to solicit applications from the private sector and from government agencies for fiscal year 2015 and to set out criteria for the award of funds under the program in October 2014. The EMP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, applications must be received by 5 p.m. Eastern Daylight Time, May 19, 2014. Any applications received after this time will be considered only if funds are still available.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.* Information is also available on the Foreign Agricultural Service Web site at *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.603.

Authority: The EMP is authorized by section 1542(d)(1) of the Food, Agriculture, Conservation and Trade Act of 1990 (The Act), as amended. The EMP regulations appear at 7 CFR part 1486.

1. Purpose. The EMP assists U.S. entities in developing, maintaining, or expanding exports of U.S. agricultural commodities and products by funding activities that improve emerging markets' food and rural business systems, including reducing potential trade barriers in such markets. The EMP is intended primarily to support export market development efforts of the private sector, but EMP resources may also be used to assist public organizations.

All U.S. agricultural commodities, except tobacco, are eligible for consideration. Agricultural product(s) should be comprised of at least 50 percent U.S. origin content by weight, exclusive of added water, to be eligible for funding. Proposals that seek support for multiple commodities are also eligible. EMP funding may only be used to develop, maintain, or expand emerging markets for U.S. agricultural commodities and products through generic activities. EMP funding may not be used to support the export of another country's products to the United States, or to promote the development of a foreign economy as a primary objective.

2. Appropriate Activities. All EMP projects must fall into at least one of the following four categories:

(a) Assistance to teams consisting primarily of U.S. individuals expert in assessing the food and rural business systems of other countries. This type of EMP project must include all three of the following:

- Conduct an assessment of the food and rural business system needs of an emerging market;
- Make recommendations on measures necessary to enhance the effectiveness of these systems; and
- Identify opportunities and projects to enhance the effectiveness of the emerging market's food and rural business systems.

To be eligible, such proposals must clearly demonstrate that experts are primarily agricultural consultants, farmers, other persons from the private sector, and government officials, and that they have expertise in assessing the food and rural business systems of other countries.

(b) Assistance to enable individuals from emerging markets to travel to the United States so that these individuals can, for the purpose of enhancing the food and rural business systems in their countries, become familiar with U.S. technology and agribusiness and rural enterprise operations by consulting with food and rural business system experts in the United States.

(c) Assistance to enable U.S. agricultural producers and other individuals knowledgeable in agricultural and agribusiness matters to travel to emerging markets to assist in transferring their knowledge and expertise to entities in emerging markets. Such travel must be to emerging markets. Travel to developed markets is not eligible under the program even if the traveler's targeted market is an emerging market.

(d) Technical assistance to implement the recommendations, projects, and/or opportunities identified under 2(a) above. Technical assistance that does not implement the recommendations, projects, and/or opportunities identified by assistance under 2(a) above is not eligible under the EMP.

Proposals that do not fall into one or more of the four categories above are not eligible for consideration under the program.

EMP funds may not be used to support normal operating costs of individual organizations, nor as a source to recover pre-award costs or prior expenses from previous or ongoing projects. Proposals that counter national strategies or duplicate activities planned or already underway by U.S. non-profit agricultural commodity or trade associations (''cooperators'') will not be considered. Other ineligible expenditures include: branded product promotions (e.g., in-store, restaurant advertising, labeling, *etc.*); advertising, administrative, and operational expenses for trade shows; Web site development; equipment purchases; and the preparation and printing of brochures, flyers, and posters (except in connection with specific technical assistance activities such as training seminars). For a more complete description of ineligible expenditures, please refer to the EMP regulations.

3. Eligible Markets. The Act defines an emerging market as any country that the Secretary of Agriculture determines:

(a) Is taking steps toward developing a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(b) Has the potential to provide a viable and significant market for U.S.

agricultural commodities or products of U.S. agricultural commodities.

Because EMP funds are limited and the range of potential emerging market countries is worldwide, consideration will be given only to proposals that target countries or regional groups with per capita income of less than $12,616 (the current ceiling on upper middle income economies as determined by the World Bank [World Development Indicators; October 2013, *http://siteresources.worldbank.org/DATASTATISTICS/Resources/CLASS.XLS*]) and populations of greater than 1 million.

Income limits and their calculation can change from year to year with the result that a given country may qualify under the legislative and administrative criteria one year, but not the next. Therefore, CCC has not established a fixed list of emerging market countries.

A few countries technically qualify as emerging markets but may require a separate determination before funding can be considered because of political sensitivities.

II. Award Information

In general, all qualified proposals received before the application deadline will compete for EMP funding. Priority consideration will be given to proposals that directly support or address at least one of the goals and objectives in the USDA and FAS Strategic Plans. The USDA Strategic Plan and Strategic Plan Update Addendum can be accessed at the following link: USDA Strategic Plan—*http://www.ocfo.usda.gov/usdasp/sp2010/sp2010.pdf; USDA Strategic Plan Update Addendum—http://www.ocfo.usda.gov/usdasp/sp2010/Strategic%20Plan%20Update.pdf.* The FAS strategic plan can be accessed at the following link: *http://www.fas.usda.gov/sites/development/files/fas_stratplan_2012–2016.pdf.* The applicants' willingness to contribute resources, including cash, goods and services, will be a critical factor in determining which proposals are funded under the EMP. Each proposal will also be judged on the potential benefits to the industry represented by the applicant and the degree to which the proposal demonstrates industry support.

The limited funds and the range of eligible emerging markets worldwide generally preclude CCC from approving large budgets for individual projects. While there is no minimum or maximum amount set for EMP-funded projects, most projects are funded at a level of less than $500,000 and for a duration of approximately one year. Private entities may submit multi-year proposals requesting higher levels of funding that may be considered in the context of a detailed strategic implementation plan. Funding in such cases is generally limited to three years and provided one year at a time with commitments beyond the first year subject to interim evaluations and funding availability. Government entities are not eligible for multi-year funding.

Funding for successful proposals will be provided through specific agreements. The CCC, through FAS, will be kept informed of the implementation of approved projects through the requirement to provide interim progress reports and final performance reports. Changes in the original project timelines and adjustments within project budgets must be approved in advance by FAS.

Note: EMP funds awarded to government agencies must be expended or otherwise obligated by close of business, September 30, 2015.

III. Eligibility and Qualification Information

1. Eligible Applicants: Any U.S. private or government entity (*e.g.,* universities, non-profit trade associations, agricultural cooperatives, state regional trade groups (SRTGs), state departments of agriculture, federal agencies, profit-making entities, and consulting businesses) with a demonstrated role or interest in exports of U.S. agricultural commodities or products may apply to the program. Proposals from research and consulting organizations will be considered if they provide evidence of substantial participation by and financial support from the U.S. industry. For-profit entities are also eligible but may not use program funds to conduct private business, promote private self-interests, supplement the costs of normal sales activities or promote their own products or services beyond specific uses approved by CCC in a given project.

U.S. export market development cooperators and SRTGs may seek funding to address priority, market specific issues and to undertake activities not suitable for funding under other CCC market development programs, *e.g.,* the Foreign Market Development Cooperator (Cooperator) Program and the Market Access Program (MAP). Foreign organizations, whether government or private, may participate as third parties in activities carried out by U.S. organizations, but are not eligible for funding assistance from the program.

2. Cost Sharing: No private sector proposal will be considered without the element of cost-share from the applicant and/or U.S. partners. The EMP is intended to complement, not supplant, the efforts of the U.S. private sector. There is no minimum or maximum amount of cost-share, though the range in recent successful proposals has been between 35 and 75 percent. The degree of commitment to a proposed project, represented by the amount and type of private funding, is one factor used in determining which proposals will be approved for funding. Cost-share may be actual cash invested or professional time of staff assigned to the project. Proposals for which private industry is willing to commit cash, rather than in-kind contributions, such as staff resources, will be given priority consideration.

Cost-sharing is not required for proposals from government agencies, but is mandatory for all other eligible entities, even when they may be party to a joint proposal with a government agency. Contributions from USDA or other government agencies or programs may not be counted toward the stated cost-share requirement of other applicants. Similarly, contributions from foreign (non-U.S.) organizations may not be counted toward the cost-share requirement, but may be counted in the total cost of the project.

3. Other: Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance. Applicants may submit more than one proposal.

IV. Application and Submission Information

1. Address to Request Application Package: EMP applicants have the opportunity to utilize the Unified Export Strategy (UES) application process, an online system that provides a means for interested applicants to submit a consolidated and strategically coordinated single proposal that incorporates funding requests for any or all of the market development programs administered by FAS.

Applicants are strongly encouraged to submit their applications to FAS through the UES application Internet Web site. The Internet-based format reduces paperwork and expedites FAS' processing and review cycle. Applicants planning to use the on-line UES system must contact the Program Operations Division to obtain site access

information. The Internet-based application is located at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the Internet-based application, applicants also have the option of submitting an electronic version to FAS at *podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the EMP, an applicant must submit to FAS information required by this Notice of Funds Availability and the EMP regulations at 7 CFR part 1486. EMP regulations and additional information are available at the following URL address: *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

In addition, in accordance with the Office of Management and Budget's issuance of a final policy (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711.

In addition, in accordance with 2 CFR Part 25, each entity that applies to the EMP and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Be registered in the CCR prior to submitting an application or plan;

(ii) Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application or plan under consideration by CCC; and

(iii) Provide its DUNS number in each application or plan it submits to CCC.

Similarly, in accordance with 2 CFR Part 170, each entity that applies to the EMP and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR Part 170 should it receive EMP funding.

Applications should be no longer than ten (10) pages and include the following information:

(a) Date of proposal;

(b) Name of organization submitting proposal;

(c) Organization address, telephone and fax numbers;

(d) Tax ID number;

(e) DUNS number;

(f) Primary contact person;

(g) Full title of proposal;

(h) Target market(s);

(i) Specific description of activity/activities to be undertaken;

(j) Clear demonstration that successful implementation will benefit an emerging market's food and rural business system, including potential reductions in trade barriers, and will benefit a particular industry as a whole, not just the applicant(s);

(k) Current conditions in the target market(s) affecting the intended commodity or product;

(l) Description of problem(s) (*i.e.,* constraint(s)) to be addressed by the project, such as the need to assess and enhance food and rural business systems of the emerging market, lack of awareness by foreign officials of U.S. technology and business practices, impediments (infrastructure, financing, regulatory or other non-tariff barriers) to the effectiveness of the emerging market's food and rural business systems previously identified by an EMP project that are to be implemented by the applicant, *etc.;*

(m) Project objectives;

(n) Performance measures: Benchmarks for quantifying progress in meeting the objectives;

(o) Rationale: Explanation of the underlying reasons for the project proposal and its approach, the anticipated benefits, and any additional pertinent analysis;

(p) Explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance;

(q) Timeline(s) for implementation of activity, including start and end dates;

(r) Information on whether similar activities are or have previously been funded with USDA resources in the target country or countries (*e.g.,* under MAP and/or Cooperator programs);

(s) Detailed line item activity budget:

- Cost items should be allocated separately to each participating organization; and
- Expense items constituting a proposed activity's overall budget (*e.g.,* salaries, travel expenses, consultant fees, administrative costs, etc.), with a line item cost for each, should be listed, clearly indicating:

(1) Which items are to be covered by EMP funding;

(2) Which by the participating U.S. organization(s); and

(3) Which by foreign third parties (if applicable).

Cost items for individual consultant fees should show calculation of daily rate and number of days. Cost items for travel expenses should show number of trips, destinations, cost, and objective for each trip; and

(t) Qualifications of applicant(s) should be included as an attachment.

3. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses, such as indirect overhead charges, travel expenses, and consulting fees. CCC will also not reimburse unreasonable expenditures or expenditures made prior to approval of a proposal. Full details of the funding restrictions are available in the EMP regulations.

4. Submission Dates and Times: EMP proposals are reviewed on a rolling basis during the fiscal year as long as EMP funding is available as set forth below:

- Proposals received by, but not later than, 5 p.m. Eastern Daylight Time, May 19, 2014, will be considered for funding with other proposals received by that date;
- Proposals not approved for funding during the review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing, and only if funding remains available;
- Proposals received after 5 p.m. Eastern Daylight Time, May 19, 2014, will be considered in the order received for funding only if funding remains available.

V. Application Review Information

1. Criteria: Key criteria used in judging proposals include:

- The objective of the activities is to develop, maintain, or expand markets for U.S. agricultural exports by improving the effectiveness of the food and rural business systems in emerging markets;
- Appropriateness of the activities for the targeted market(s) and the extent to which the project identifies market barriers (e.g., a fundamental deficiency in the emerging market's food and rural business systems, and/or a recent change in those systems);
- Potential of the project to expand U.S. market share and increase U.S. exports or sales;
- Quality of the project's performance measures, and the degree to which they relate to the objectives, deliverables, and proposed approach and activities;
- Justification for Federal funding;
- Overall cost of the project and the amount of funding provided by the applicant and any partners; and
- Evidence that the organization has the knowledge, expertise, ability, and resources to successfully implement the project, including timeliness and quality of reporting on past EMP activities.

Please see 7 CFR part 1486 for additional evaluation criteria.

2. Review and Selection Process: All applications undergo a multi-phase review within FAS, by appropriate FAS field offices, and, as needed, by the private sector Advisory Committee on Emerging Markets to determine the qualifications, quality, appropriateness of projects, and reasonableness of project budgets.

VI. Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of the submitted application. FAS will send an approval letter and project agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of EMP funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the EMP regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

3. Reporting. Quarterly progress reports for all programs one year or longer in duration are required. Projects of less than one year generally require a mid-term progress report. Final performance reports are due 90 days after completion of each project. Content requirements for both types of reports are contained in the Project Agreement. Final financial reports are also due 90 days after completion of each project as attachments to the final reports. Please see 7 CFR part 1486 for additional reporting requirements.

VII. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

Signed at Washington, DC on 18th day of March 2014.

Bryce Quick,

Acting Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.

[FR Doc. 2014–08623 Filed 4–15–14; 11:15 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Technical Assistance for Specialty Crops Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2015 Technical Assistance for Specialty Crops (TASC) program. The intended effect of this notice is to solicit applications from the private sector and from government agencies for fiscal year 2015 and to set out criteria for the award of funds in October 2014. The TASC program is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, applications must be received by 5 p.m. Eastern Daylight Time, May 19, 2014. Any applications received after this time will be considered only if funds are still available.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/technical-assistance-specialty-crops.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.604.

Authority: The TASC program is authorized by section 3205 of Public Law 107–171. TASC regulations appear at 7 CFR part 1487.

Purpose: The TASC program is designed to assist U.S. organizations by providing funding for projects that address sanitary, phytosanitary, or technical barriers that prohibit or threaten the export of U.S. specialty crops. U.S. specialty crops, for the purpose of the TASC program, are defined to include all cultivated plants, or the products thereof, produced in the United States, except wheat, feed grains, oilseeds, cotton, rice, peanuts, sugar, and tobacco.

Prior to the enactment of the Agricultural Act of 2014 (Act) on February 7, 2014, the TASC program was not available to address technical barriers to trade except for those that were related to sanitary or phytosanitary issues. The Act amended the statute authorizing the TASC program to allow the program to be used to address technical barriers to trade regardless of whether the barriers are related to a sanitary or phytosanitary barrier. At this time, the TASC regulations have not yet been amended to reflect the recent statutory change. Notwithstanding the existing TASC regulations, however, under this announcement, proposals will be accepted in line with the amended statute, that is, if the proposals address sanitary, phytosanitary, or technical barriers to trade, regardless of whether the technical barriers are of a sanitary or phytosanitary nature.

As a general matter, TASC program projects should be designed to address the following criteria:

- Projects should identify and address a sanitary, phytosanitary, or technical barrier that prohibits or threatens the export of U.S. specialty crops;
- Projects should demonstrably benefit the represented industry rather than a specific company or brand;
- Projects must address barriers to exports of commercially-available U.S. specialty crops for which barrier removal would predominantly benefit U.S. exports; and
- Projects should include an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance.

Examples of expenses that CCC may agree to reimburse under the TASC program include, but are not limited to: Initial pre-clearance programs, export protocol and work plan support, seminars and workshops, study tours, field surveys, development of pest lists, pest and disease research, database development, reasonable logistical and administrative support, and travel and per diem expenses.

II. Award Information

In general, all qualified proposals received before the specified application deadline will compete for funding. The limited funds and the range of barriers affecting the exports of U.S. specialty crops worldwide preclude CCC from approving large budgets for individual projects. Proposals requesting more than $500,000 in any given year will not be considered. Additionally, private entities may submit multi-year proposals that may be considered in the context of a detailed strategic implementation plan. The maximum duration of an activity is five years. Funding in such cases may, at FAS'

discretion, be provided one year at a time with commitments beyond the first year subject to interim evaluations and funding availability. In order to validate funding eligibility, proposals must specify previous years of TASC funding for each proposed activity/title/market/constraint combination. Government entities are not eligible for multi-year funding.

Applicants may submit multiple proposals, and applicants with previously approved TASC proposals may apply for additional funding. The number of approved projects that a TASC participant can have underway at any given time is five. Please see 7 CFR part 1487 and the Supplementary Information section of this Notice for additional restrictions.

FAS will consider providing either grant funds as direct assistance to U.S. organizations or technical assistance on behalf of U.S. organizations, provided that the organization submits timely and qualified proposals. FAS will review all proposals against the evaluation criteria contained in the program regulations.

Funding for successful proposals will be provided through specific agreements. These agreements will incorporate the proposal as approved by FAS. FAS must approve in advance any subsequent changes to the project. FAS or another Federal agency may be involved in the implementation of approved projects.

III. Eligibility Information

1. Eligible Applicants: Any U.S. organization, private or government, with a demonstrated role or interest in exporting U.S. agricultural commodities may apply to the program. Government organizations consist of Federal, State, and local agencies. Private organizations include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups, and private companies.

Foreign organizations, whether government or private, may participate as third parties in activities carried out by U.S. organizations, but are not eligible for funding assistance from the program.

2. Cost Sharing or Matching: FAS considers the applicant's willingness to contribute resources, including cash, goods, and services of the U.S. industry and foreign third parties, when determining which proposals are approved for funding.

3. Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance.

IV. Application and Submission Information

1. Application through the Unified Export Strategy (UES): Organizations are strongly encouraged to submit their applications to FAS through the UES application Internet Web site. Using the UES application process reduces paperwork and expedites FAS's processing and review cycle. Applicants planning to use the UES Internet-based system must contact FAS/Program Operations Division to obtain site access information, including a user ID and password. The UES Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the Internet-based UES application, as this format virtually eliminates paperwork and expedites the FAS processing and review cycle, applicants also have the option of submitting an electronic version to FAS at *podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: All TASC proposals must contain complete information about the proposed projects as described in § 1487.5(b) of the TASC program regulations. In addition, in accordance with the Office of Management and Budget's policy directive (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number.

An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711.

In addition, in accordance with 2 CFR Part 25, each entity that applies to the TASC program and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Be registered in the CCR prior to submitting an application or plan;

(ii) Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application or plan under consideration by CCC; and

(iii) Provide its DUNS number in each application or plan it submits to CCC.

Similarly, in accordance with 2 CFR Part 170, each entity that applies to the TASC program and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR Part 170 should it receive TASC funding.

Incomplete applications and applications that do not otherwise conform to this announcement and the TASC regulations will not be accepted for review.

3. Submission Dates and Times: TASC proposals are reviewed on a rolling basis during the fiscal year as long as TASC funding is available as set forth below:

- Proposals received by, but not later than, 5 p.m. Eastern Daylight Time, May 19, 2014, will be considered for funding with other proposals received by that date;
- Proposals not approved for funding during the review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing, and only if funding remains available;
- Proposals received after 5 p.m. Eastern Daylight Time, May 19, 2014, will be considered in the order received for funding only if funding remains available.

Notwithstanding the foregoing, a proposal may be submitted for expedited consideration under the TASC Quick Response process if, in addition to meeting all requirements of the TASC program, a proposal clearly identifies a time-sensitive activity. In these cases, a proposal may be submitted at any time for an expedited evaluation. Such a proposal must include a specific request for expedited evaluation.

FAS will track the time and date of receipt of all proposals.

4. Funding Restrictions: Although funded projects may take place in the United States or abroad, all eligible projects must specifically address sanitary, phytosanitary, or technical barriers to the export of U.S. specialty crops.

Certain types of expenses are not eligible for reimbursement by the program, such as the costs of market research, advertising, or other promotional expenses, and will be set forth in the written program agreement between CCC and the participant. CCC will also not reimburse unreasonable expenditures or any expenditure made prior to approval of a proposal.

5. Other Submission Requirements: All Internet-based applications must be properly submitted by 5 p.m., Eastern Daylight Time, May 19, 2014, in order to be considered for funding; late submissions received after the deadline will be considered only if funding remains available. All applications submitted by email must be received by 5 p.m. Eastern Daylight Time, May 19,

2014, at *podadmin@fas.usda.gov* in order to receive the same consideration.

V. Application Review Information

1. Criteria: FAS follows the evaluation criteria set forth in § 1487.6 of the TASC regulations and in this Notice.

2. Review and Selection Process: FAS will review proposals for eligibility and will evaluate each proposal against the criteria referred to above. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit the proposals and funding recommendations to the Deputy Administrator, Office of Trade Programs. FAS may, when appropriate, request the assistance of other U.S. government subject area experts in evaluating the merits of a proposal.

VI. Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of the submitted application. FAS will send an approval letter and agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including levels of funding, timelines for implementation, and written evaluation requirements.

2. Administrative and National Policy Requirements: The agreements will incorporate the details of each project as approved by FAS. Each agreement will identify terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant. Interested parties should review the TASC program regulations found at 7 CFR part 1487 in addition to this announcement. TASC program regulations are available at the following URL address: *http://www.fas.usda.gov/programs/technical-assistance-specialty-crops.* Hard copies may be obtained by contacting the Program Operations Division at (202) 720–4327.

3. Reporting: TASC participants will be required to submit regular interim reports and a final performance report, each of which evaluate the TASC project using the performance measures presented in the approved proposal, as set forth in the written program agreement.

VII. Agency Contact

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave., SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

Signed at Washington, DC, on the 18th of March 2014.

Bryce Quick,

Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2014–08626 Filed 4–15–14; 11:15 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Foreign Market Development Cooperator Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2015 Foreign Market Development Cooperator (Cooperator) program. The intended effect of this notice is to solicit applications from eligible applicants for fiscal year 2015 and to set out criteria for the award of funds under the program in October 2014. The Cooperator program is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, May 19, 2014. Applications received after this date will not be considered.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/foreign-market-development-program-fmd.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.600.

Authority: The Cooperator program is authorized by title VII of the Agricultural Trade Act of 1978, as amended. Cooperator program regulations appear at 7 CFR part 1484.

Purpose: The Cooperator program is designed to create, expand, and maintain foreign markets for U.S. agricultural commodities and products through cost-share assistance. Financial assistance under the Cooperator program will be made available on a competitive basis and applications will be reviewed against the evaluation criteria contained herein and in the Cooperator program regulations. All U.S. agricultural commodities, except tobacco, are eligible for consideration.

FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993. In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS considers whether the applicant provides a clear, long-term agricultural trade strategy and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country goals. FAS also considers the extent to which a proposed project targets markets with the greatest growth potential. These factors are part of the FAS resource allocation strategy to fund applicants who can demonstrate performance and address the objectives of the GPRA.

II. Award Information

Under the Cooperator program, FAS enters into agreements with eligible nonprofit U.S. trade organizations to share the cost of certain overseas marketing and promotion activities. Funding priority is given to organizations that have the broadest possible producer representation of the commodity being promoted and that are nationwide in membership and scope. Cooperators may receive assistance only for generic activities that do not involve promotions targeted directly to consumers. The program generally operates on a reimbursement basis.

III. Eligibility Information

1. Eligible Applicants: To participate in the Cooperator program, an applicant must be a nonprofit U.S. agricultural trade organization.

2. Cost Sharing: To participate in the Cooperator program, an applicant must agree to contribute resources to its proposed promotional activities. The Cooperator program is intended to supplement, not supplant, the efforts of the U.S. private sector. The contribution must be at least 50 percent of the value of resources provided by CCC for activities conducted under the project agreement.

The degree of commitment of an applicant to the promotional strategies

contained in its application, as represented by the agreed cost-share contributions specified therein, is considered by FAS when determining which applications will be approved for funding. Cost-share may be actual cash invested or in-kind contributions, such as professional staff time spent on design and execution of activities. The Cooperator program regulations, including sections 1484.50 and 1484.51, provide detailed discussion of eligible and ineligible cost-share contributions.

3. Other: Applications should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without federal funding assistance and why participating organization(s) are unlikely to carry out the project without such assistance.

IV. Application and Submission Information

1. Address to Request Application Package: Organizations are encouraged to submit their FMD applications to the FAS through the Unified Export Strategy (UES) application Internet Web site. The UES allows applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade faced, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

FAS highly recommends applying via the Internet-based application as this format virtually eliminates paperwork and expedites the FAS processing and review cycle. However, applicants also have the option of submitting an electronic version of their application to FAS at *uesadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the Cooperator program, an applicant must submit to FAS information required by the Cooperator program regulations in section 1484.20. In addition, in accordance with the Office of Management and Budget's policy (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711.

In addition, in accordance with 2 CFR part 25, each entity that applies to the Cooperator program and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Be registered in the CCR prior to submitting an application or plan;

(ii) Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application or plan under consideration by CCC; and

(iii) Provide its DUNS number in each application or plan it submits to CCC.

Similarly, in accordance with 2 CFR part 170, each entity that applies to the Cooperator program and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive funding under the Cooperator program. Incomplete applications and applications that do not otherwise conform to this announcement or the Cooperator program regulations will not be accepted for review.

FAS administers various other agricultural export assistance programs, including the Market Access Program (MAP), the Emerging Markets Program, the Quality Samples Program, and the Technical Assistance for Specialty Crops program. Any organization that is not interested in applying for the Cooperator program but would like to request assistance through one of the other programs mentioned should contact the Program Operations Division.

3. Submission Dates and Times: All applications must be received by 5 p.m. Eastern Daylight Time, May 19, 2014. All Cooperator program applicants, regardless of the method of submitting an application, also must submit by the application deadline, an original signed certification statement as specified in 7 CFR 1484.20(a)(14) to the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, 1400 Independence Ave. SW., Washington, DC 20250. Applications or certifications received after this date will not be considered.

4. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses. CCC also will not reimburse unreasonable expenditures or expenditures made prior to approval. Full details are available in the Cooperator program regulations, including sections 1484.54 and 1484.55.

V. Application Review Information

1. Criteria and Review Process: Following is a description of the FAS process for reviewing applications and the criteria for allocating available Cooperator program funds.

(1) Phase 1—Sufficiency Review and FAS Divisional Review

Applications received by the closing date will be reviewed by FAS to determine the eligibility of the applicants and the completeness of the applications. These requirements appear in sections 1484.14 and 1484.20 of the Cooperator program regulations as well as in this Notice. Applications that meet the requirements then will be further evaluated by the appropriate Commodity Branch office of the FAS/Cooperator Programs Division. The Commodity Branch will review each application against the criteria listed in section 1484.21 of the Cooperator program regulations. The purpose of this review is to identify meritorious proposals. The Commodity Branch then recommends an appropriate funding level for each approved application for consideration by the Office of the Deputy Administrator, Office of Trade Programs.

(2) Phase 2—Competitive Review

Meritorious applications are passed on to the Office of the Deputy Administrator, Office of Trade Programs, for the purpose of allocating available funds among those applicants. Applicants will compete for funds on the basis of the following allocation criteria as appropriate (the number in parentheses represents a percentage weight factor):

(a) Contribution Level (40)

- The applicant's 6-year average share (2010–2015) of all contributions under the Cooperator program (contributions may include cash and goods and services provided by U.S. entities in support of foreign market development activities) compared to;
- The applicant's 6-year average share (2010–2015) of the funding level for all Cooperator program participants.

(b) Past Export Performance (20)

- The 6-year average share (2009–2014) of the value of exports promoted by the applicant compared to;

• The applicant's 6-year average share (2009–2014) of the funding level for all Cooperator participants plus, for those groups participating in the MAP program, a 6-year average share (2009–2014) of all MAP budgets.

(c) Past Demand Expansion Performance (20)

• The 6-year average share (2009–2014) of the total value of world trade of the commodities promoted by the applicant compared to;

• The applicant's 6-year average share (2009–2014) of all Cooperator program expenditures plus, for those groups participating in the MAP program, a 6-year average share (2009–2014) of all MAP expenditures.

(d) Future Demand Expansion Goals (10)

• The projected total dollar value of world trade of the commodities being promoted by the applicant for the year 2020 compared to;

• The applicant's requested funding level.

(e) Accuracy of Past Demand Expansion Projections (10)

• The actual dollar value share of world trade of the commodities being promoted by the applicant for the year 2013 compared to;

• The applicant's past projected share of world trade of the commodities being promoted by the applicant for the year 2013, as specified in the 2010 Cooperator program application.

The Commodity Branches' recommended funding levels for each applicant are converted to percentages of the total Cooperator program funds available and then multiplied by each weight factor to determine the amount of funds allocated to each applicant.

2. Anticipated Announcement Date: Announcements of funding decisions for the Cooperator program are anticipated during October 2014.

VI. Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of its application. FAS will send an approval letter and project agreement to each approved applicant. The approval letter and project agreement will specify the terms and conditions applicable to the project, including the levels of Cooperator program funding, and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the Cooperator program regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/foreign-market-development-program-fmd.* Hard copies may be obtained by contacting the Program Operations Division.

3. Reporting: FAS requires various reports and evaluations from Cooperators. Reporting requirements are detailed in the Cooperator program regulations in sections 1484.53, 1484.70, and 1484.72.

VII. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.*

Signed at Washington, DC, on the 18th of March 2014.

Bryce Quick,

Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2014–08628 Filed 4–15–14; 11:15 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

RIN 0596–AD13

Additional Seasonal and Year-Round Recreation Activities at Ski Areas

AGENCY: Forest Service, USDA.

ACTION: Notice of final directives.

SUMMARY: The Forest Service is revising its directives for ski areas authorized under the National Forest Ski Area Permit Act of 1986 (Ski Area Permit Act) (16 U.S.C. 497b) to provide additional guidance for implementing the 2011 amendment to this Act, known as the Ski Area Recreational Opportunity Enhancement Act (SAROEA) (Pub. L. 112–46, 125 Stat. 538). Current directives limit the criteria for determining whether additional seasonal and year-round recreation activities may be approved at ski areas to those listed in SAROEA. The final directives add criteria to help authorized officers determine whether proposals for these activities are consistent with SAROEA. The final directives also provide guidance on non-exclusive use at ski areas, that is, recreational use at ski areas, such as snowshoeing or cross-country skiing, by the non-paying public.

DATES: *Effective Dates:* These directives are effective April 17, 2014.

ADDRESSES: These final directives will be available for inspection at the office of the Director, Recreation, Heritage, and Volunteer Resources Staff, USDA, Forest Service, 4th Floor Central, Sidney R. Yates Federal Building, 1400 Independence Avenue SW., Washington, DC, during regular business hours (8:30 a.m. to 4:00 p.m.), Monday through Friday, except holidays. Those wishing to inspect these documents are encouraged to call ahead at 202–205–1227 to facilitate access to the building. Copies of documents in the record may be requested under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Chris Hartman, Acting National Winter Sports Program Manager, 202–697–1051or via email at *chartman01@fs.fed.us.* Individuals who use telecommunication devices for the deaf may call the Federal Information Relay Service at 800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

1. Background and Need for the Final Directives

Most of the 122 ski areas operating on National Forest System (NFS) lands in the United States are authorized under a special use permit issued per the Ski Area Permit Act. As originally enacted, the Ski Area Permit Act authorized Nordic and alpine skiing at ski areas on NFS lands. On November 7, 2011, Congress enacted SAROEA, which amended the Ski Area Permit Act to authorize additional seasonal and year-round recreation activities and associated facilities that may be approved at ski areas. SAROEA contains a non-exhaustive list of additional seasonal and year-round recreation activities and associated facilities that may, if certain criteria are met, be approved and a non-exhaustive list of additional seasonal and year-round recreation activities and associated facilities that may not be approved at ski areas. On August 5, 2013, the Forest Service amended FSM 2340 to incorporate the self-executing portions of SAROEA, that is, the list of additional seasonal and year-round activities and associated facilities that may be authorized at ski areas.

Summer uses at ski areas, both on private and NFS lands, have been increasing in recent years. This increase has been driven in part by new technologies and by the growing number of people seeking recreation activities in more managed settings.

Some of these summer uses, such as zip lines, canopy tours (often a combination of zip lines, suspension bridges, and belay points), and mountain bike parks, can be natural resource-based, encourage outdoor recreation and enjoyment of nature, and harmonize with the natural environment, consistent with SAROEA. Other summer uses involving facilities that are common at amusement parks, such as merry-go-rounds, Ferris wheels, miniature train rides, and roller coasters, do not meet the criteria in SAROEA and thus would not be approved at ski areas.

Given recent trends in use at ski areas, the Agency believes that it will be helpful to ski area permit holders and permit administrators to add criteria to the directives for determining whether proposals for additional seasonal and year-round recreation activities and associated facilities are consistent with SAROEA. The Agency also believes that it will be helpful to include the list of additional seasonal and year-round recreation activities and associated facilities that are prohibited at ski areas under SAROEA.

The Agency recognizes that additional seasonal and year-round recreation activities and associated facilities are important to the long-term viability of ski areas, and that the more managed outdoor recreation settings at ski areas could introduce urban-based population segments, especially youth, to outdoor recreation. This exposure could build a deeper appreciation for nature that could lead to exploration of NFS lands beyond ski areas. Further guidance on authorization of additional seasonal and year-round recreation activities and associated facilities at ski areas will help permit administrators review proposals for these activities consistent with these objectives and SAROEA.

Forest Service regulations and ski area permits provide that authorized uses of NFS lands are not exclusive, and that the Forest Service may require common use of the lands or use by others in any way that is not inconsistent with the permit holder's rights and privileges, after consultation with all affected parties. Several ski areas on NFS lands have experienced a significant increase in the number of recreationists using snowshoes or cross-country skis or simply traveling on foot on slopes within ski areas. The Agency has identified a need to address how this type of public use may be conducted efficiently and safely. Consequently, the final directives provide guidance on recreational use at ski areas by the non-paying public.

2. Response to Comments on the Proposed Directives

Overview of Comments

The proposed directives were published in the **Federal Register** for public notice and comment on October 2, 2013 (78 FR 60820). The comment period closed on December 2, 2013. The Forest Service received 305 letters on the proposed directives providing approximately 1200 comments: 66 percent of comments were from nonaffiliated individuals; 5 percent were from government entities; 27 percent were from the recreation industry; and 2 percent were from nongovernmental organizations such as environmental, conservation, or preservation groups.

General Comments

Comment: One respondent suggested that it is not clear whether there is a rulemaking requirement as part of SAROEA.

Response: SAROEA specifically requires the Secretary to promulgate implementing regulations no later than 2 years after November 7, 2011. An initial revision to FSM 2340 was published in August 2013 implementing the nondiscretionary components of the statute. This is the final amendment to those directives. Additionally, the Forest Service published an interim final rule on June 28, 2013, revising 36 CFR 251.51, the definition of a ski area, to conform to SAROEA.

Specific Comments

FSM 2343.05—Definitions

Amusement Park

Comment: Many respondents commented on the proposed definition of ''amusement park,'' which prohibits more than two rides together. These respondents stated that there is a need to create a critical mass for efficient operations, which may involve more than two rides in one location; that the proposed definition is inconsistent; that the definition should not conflict with SAROEA and congressional intent to locate additional seasonal and year-round recreation activities in developed portions of the ski area; that the definition should not limit the use of ski equipment like chairlifts and gondolas; that a widely accepted dictionary definition is preferable to the American Society for Testing and Materials definition; and that it is unnecessary to define this term, which is the only one of the listed activities in SAROEA that are prohibited at ski areas.

Response: This definition generated many of the comments received. SAROEA expressly prohibits amusement parks at ski areas. The Agency chose to define amusement park because the Agency anticipates different interpretations of what is and what is not allowed under SAROEA. One recommendation was to use a dictionary definition of amusement park. Existing published definitions for amusement parks vary widely and do not all lend themselves to the context of SAROEA. The Random House Dictionary defines ''amusement park'' as ''a park equipped with such recreational devices as a Ferris wheel, roller coaster, and so forth and usually having vendors of toys, food, and beverages.'' This dictionary definition is problematic because zip lines, which are included in the list of recreation activities in SAROEA that may be allowed at ski areas, subject to certain conditions, are ''recreational devices,'' and food and beverage services are often provided at ski areas.

Instead, we have revised the definition of ''amusement park'' to characterize what is not appropriate on NFS lands, i.e., developed recreation areas consisting primarily of facilities or activities that are not natural resource-based; do not encourage outdoor recreation and enjoyment of nature; do not harmonize with the natural environment; and contain rides and other amusements that are not typically found in a natural resource-based environment, such as water slides and water parks, Ferris wheels, bumper cars, and miniature golf courses.

Amusement Park Ride

Comment: Some respondents suggested that the definition not be so broad as to include ski lifts and gondolas, which should be exempted, along with zip lines and ropes courses. Some respondents believed that the definition should not include mountain bikes, which are considered mechanized equipment. One respondent suggested the following definition: ''A mechanized device or combination of devices that carry persons along, around, or on a course defined by rails, tracks, or other fixed guidance system for the purpose of giving passengers thrills or other types of amusement, other than a zip line, ropes course, or terrain park.'' One respondent stated that the definition for ''amusement park ride'' could be eliminated if a dictionary definition for ''amusement park'' were adopted. Another respondent noted that a more appropriate term would be ''mountain recreation feature,'' which could be defined as ''a zip line, ropes course, Frisbee golf, mountain bike trail or park, climbing wall, alpine slide, or other similar recreation feature that is

participatory in nature or relies on gravity or the mountain contour for propulsion.'' This respondent stated that additional attributes like terrain, gravity, and mountain contour should be added to the definition, as they provide a natural thrill.

Response: The definition for ''amusement park ride'' has been removed from the final directives, and the definition for ''amusement park'' has been revised in a way that does not encompass chair lifts or other facilities associated with snow sports at ski areas.

Natural Resource-Based Recreation (NRBR)

Comment: Several respondents said that NRBR is a filter for activities other than skiing and snow sports, and that any recreational activity requiring unique facilities not associated with skiing and other snow sports must pass through that filter.

Response: NRBR is one of the screens required by SAROEA for evaluating proposals for additional seasonal or year-round recreation activities and associated facilities at ski areas.

Comment: NRBR is the Forest Service brand of recreation.

Response: The Agency agrees that NRBR describes the type of recreation that is appropriate on NFS lands.

Comment: A respondent suggested that NRBR activities are not dependent on facilities and that NRBR activities may utilize facilities developed for resource management purposes, such as roads or trails.

Response: The Forest Service disagrees that NRBR is never dependent on facilities. SAROEA expressly provides that NRBR is one of the screens for evaluating proposals for non-snow sport activities and associated facilities at ski areas.

Comment: Some respondents stated that NRBR activities may be characterized by active physical effort; some level of acquired knowledge or skill; ability to control the activity; some level of physical risk; and lack of specialized facilities. These respondents noted that while some passive activities such as viewing scenery and wildlife are NRBR, they either do not require facilities or may be accommodated utilizing facilities developed for other purposes, such as roads and ski lifts.

Response: The Agency disagrees that these attributes are always necessary to qualify an activity as NRBR. NRBR should be viewed in terms of what participants may learn, rather than what knowledge or skill they already have, and should not preclude opportunities for novices. Ski areas are an opportunity to introduce people to different types of NRBR by providing transportation into relatively undeveloped areas. The Agency agrees that viewing scenery and watching wildlife are good examples of NRBR that may appeal to participants who are not seeking physical exertion or risk and associated thrill. SAROEA expressly provides for facilities associated with NRBR activities.

Comment: Some respondents suggested that terrain, gravity, and contour, which provide a natural thrill, be considered attributes of NRBR. These respondents noted that speed is an inherent characteristic of many snow sports and should not disqualify them from being considered NRBR.

Response: SAROEA establishes NRBR as a criterion for evaluating proposals for non-snow sports and associated facilities. Therefore, speed as a characteristic of snow sports is not relevant to the application of the NRBR requirement in SAROEA. The proposed **Federal Register** notice (FRN) used speed to illustrate lack of engagement with the natural setting. We are clarifying in the final FRN that utilizing mountain terrain and gravity which result in speed would not rule out an activity from qualifying as NRBR. The Agency agrees that terrain, gravity, and contour are characteristics of mountain terrain that present opportunities for natural thrills and that the mountain terrain at most ski areas presents an opportunity for activities that involve speed, such as zip lines, which were specifically authorized by SAROEA. However, it is unnecessary to modify the definition of NRBR with respect to speed because speed is not used as a criterion in the definition or elsewhere in the directives.

Comment: One respondent stated that the emphasis on speed and the need for permanent metal structures disqualifies some facilities as NRBR, as they do not harmonize with the natural environment.

Response: NRBR and harmonizing with the natural environment are separate requirements in SAROEA. Recreation activities that involve speed and permanent metal structures may or may not harmonize with the natural environment, depending on the type of activity and the location and design of the structures. Because mountain slopes have high visibility, construction of structures that deviate in form, line, color, and texture and materials that contrast with the natural setting would be a concern. Whether proposed additional seasonal or year-round recreation facilities at ski areas harmonize with the natural environment and are-natural resource-based will be determined site specifically at the project level.

Comment: Several respondents commented that the proposed definition for NRBR is unnecessarily limiting and encourages argument over how attributes of the national forest setting are essential to the visitor's experience. These respondents suggested stating that the visitor's experience must be significantly enhanced by the national forest setting.

Response: The Agency agrees that it could be difficult to determine whether attributes of the national forest setting are essential to the visitor's experience. However, stating that the visitor's experience must be significantly enhanced by the national forest setting is inadequate. To qualify as NRBR, the visitor's experience should be interdependent with attributes of national forest settings. The Agency has revised the definiton for NRBR in the final directives accordingly.

Comment: Some respondents stated that the definition of NRBR should not prohibit activities such as mountain biking that would attract people to ski areas in the off season. Other respondents stated that the definition of NRBR should not preclude mechanized facilities.

Response: SAROEA specifically lists mountain bike terrain parks and trails and zip lines, a type of mechanized facility, as additional or year-round recreation activities and associated facilities that may, in appropriate circumstances, be authorized at ski areas. SAROEA requires all additional or year-round recreation activities at ski areas to be natural resource-based. Therefore, the Agency has included a definition for NRBR in the directives. The definition for NRBR in the final directives is ''a proposed or existing recreation activity that occurs in a natural setting where the visitor's experience is interdependent with attributes such as mountains, forests, geology, grasslands, water bodies, flora, fauna, and natural scenery.'' The Agency does not believe that this definition will preclude mechanized facilities or activities such as mountain biking that will attract visitors to ski areas in the off season.

Comment: Some respondents stated that the proposed definition for NRBR would allow activities that are not natural resource-based, such as concerts and weddings.

Response: SAROEA does not allow construction of new facilities for non-NRBR activities such as concerts and weddings. However, SAROEA does not prohibit efficient utilization of existing improvements. The Forest Service has

authority to allow these activities when they utilize existing facilities. This authority is captured in FSM 2343.14, paragraph 6, which precludes construction of new, permanent facilities solely for temporary activities such as concerts or weddings, but provides that these temporary activities may be allowed if they rely on existing facilities, even if they are not necessarily interdependent with a national forest setting, provided they could be enhanced by it. The word ''infrastructure'' in the proposed directives was replaced with ''facilities'' in the final directives to be more consistent with the language in SAROEA.

Terrain Park

Comment: Some respondents stated that the definition of ''terrain park'' should reference mountain bikes and cyclists and reflect the design and location of mountain bike terrain parks. These respondents suggested that the definition be edited to read as follows: ''An area or trail with natural and/or manmade features designed to add challenge to the riding experience. This may include jumps, rails, boxes, quarter- and half-pipes, and other obstacles used by skiers and snowboarders during the snow season. It may also include berms, drops, jumps and rock, wooden, or earthen structures used by bicycles.''

Response: The Agency agrees that the definition for ''terrain park'' should reference bicycles and has revised the definition in the final directives accordingly.

FSM 2343.03—Policy

Paragraph 11d—Advertising That Includes the Holder Name and Logo

Comment: Several respondents expressed support for allowing holders and their business partners, as well as their contractors and service partners, to display their name and logo as provided in the directive. These respondents noted that without business partners and sponsors, ski areas would not be able to provide as many services as they do and that unduly limiting the display of names and logos would hurt small ski areas. Some respondents also noted that it was appropriate for holders and holders' business partners to display their name and logos on vehicles in common parking areas. Others commented that the proposed policy acknowledges the incidental nature of advertising in the form of names and logos on parked vehicles.

Response: The Forest Service agrees and has clarified in the final directives that holders and their contractors, other service providers, and business partners may display their name and logo on personal and company vehicles operated on roads and in parking areas within the permit boundary.

Comment: Some respondents stated that there should be no advertising on maps, lifts, or trail signage and that advertising should be limited to temporary events and temporary structures, like course fencing.

Response: The proposed directives did not include any revisions to the policy on advertising on maps, lifts, or trails. With respect to advertising, the proposed directives included revisions only to the policy on display of names and logos on vehicles in FSM 2343.03, paragraph 11d, and to the policy on locations where support for snow sport race courses and terrain parks may be recognized in FSM 2343.03, paragragh 11g. The comments regarding other aspects of the Agency's advertising policy are beyond the scope of the proposed directives. Therefore, the Agency is not making changes in response to these comments.

Paragraph f—Short-Term Competitive or Recreation Events

Comment: Some respondents stated that the term ''recreation event'' is not defined and that allowing outdoor advertising at short-term recreation events, as well as competitive events, could expand advertising at ski areas beyond what anyone would deem appropriate. These respondents also noted that the 21-day limit for posting outdoor advertising at competitive or recreation events is not short term and should be decreased. Other respondents commented that expanding the policy to include recreation events is an improvement and would allow for equipment manufacturer demonstration days and similar events.

Response: The term ''recreation event'' is defined in the Code of Federal Regulations at 36 CFR 251.51 as ''a recreational activity conducted on National Forest System lands for which an entry or participation fee is charged, such as animal, vehicle, or boat races; dog trials; fishing contests; rodeos; adventure games; and fairs.'' The Agency believes this definition is narrow enough to address the respondents' concern regarding expansion of outdoor advertising at ski areas. The directives limit advertising during temporary events commensurate with the length of the event. The 21-day limit is appropriate, given that some temporary winter events common at ski areas, such as major national and international skiing and snowboarding competitions, last that long.

Paragraph g—Designated Ski and Snowboard Race Courses and Terrain Parks

Comment: One respondent expressed concern that allowing advertising on race gates, as well as at start and finish lines, would be excessive and would turn national forest ski slopes and terrain parks into billboards.

Response: The amount of space available for advertising on typical race gates limits the size and scope of the advertising. Advertising on race gates must be approved case by case by the authorized officer.

Paragraph 12—Sponsorships

Comment: Several respondents suggested that the policy on sponsorship in FSM 2343.03, paragraph 12, should be broadened to reflect more accurately accepted standards in the ski industry. Other respondents asserted that sponsorship is a right of the landowner, namely the United States, and that the landowner alone should benefit from sponsorship.

Response: The proposed directives did not include any revisions to the policy on sponsorship. The comments regarding this policy are beyond the scope of the proposed directives. Therefore, the Agency is not making changes in response to these comments.

FSM 2343.11, Paragraph 3—Visitor Connection to the Natural Environment

Comment: A few respondents affirmed that ski areas are a good way to introduce people who might be intimidated by the backcountry to the natural environment.

Response: The Forest Service agrees that ski areas offer some unique forms of visitor access to the natural environment.

Comment: Several respondents wanted to connect visitors to the natural environment outside a commercial context. They were concerned that increasing the size, scope, and intensity of commercial uses at ski areas would decrease the choices for experiencing natural settings and recommended that the proposed directive prohibit facilities that detract from the natural environment.

Response: SAROEA expressly provides for authorization of additional seasonal and year-round recreation activities and associated facilities at ski areas that meet certain criteria. Among other things, these activities and associated facilities must be natural resource-based; encourage outdoor recreation and enjoyment of nature; be

situated in the developed portions of the ski area; and, to the extent practicable, harmonize with the natural environment of the NFS lands on which they are located. The final directives incorporate these criteria. SAROEA does not prohibit additional seasonal and year-round recreation activities and associated facilities that detract from the natural environment.

Comment: Some respondents believed that only human-powered winter recreation achieves the goal of connecting visitors to the natural environment.

Response: While it is true that human-powered winter recreation meets the goal of connecting people with the natural environment, SAROEA allows the Forest Service to authorize non-snow sport recreation activities at ski areas, subject to certain conditions, and does not limit these non-snow sport activities to human-powered recreation. To clarify that additional seasonal and year-round recreation activities at ski areas may be non-mechanized, the Agency has revised FSM 2343.11, paragraph 3, to state that these activities may range from passive to active.

Paragraphs 4 and 5—Fees Charged by Ski Area Permit Holders

Proposed paragraph 4 would allow fees for the use of improvements and services in which ski area permit holders have invested. Proposed paragraph 5 would allow fees for facilities and services offered at ski areas, such as lifts, plowed parking lots, groomed slopes and trails, and manmade snow. In commenting on these proposed paragraphs, many respondents stated that charging fees for services at ski areas is reasonable. One respondent noted that ski areas incur expenses in grooming trails and snowmaking and that a moderate fee is appropriate for users who benefit from those services.

Some respondents commented that paragraph 5 would allow ski areas to impose an entry fee. One respondent stated that income taxes pay for the management of federal lands and that no further fees should be allowed. One respondent stated that ski areas should not be allowed to charge for parking, and that charging for parking would be tantamount to charging an entrance fee. One respondent observed that public money pays for access roads to ski areas and snow removal on those roads and that ski areas should allow use of their parking lots by the non-paying public for recreational purposes.

Response: Paragraph 4 recognizes that ski areas may charge a fee if they provide services, such as grooming and snowmaking, or improvements in areas where access is provided. Proposed paragraph 5 would not allow ski areas to impose an entry fee. Rather, like proposed paragraph 5, paragraph 5 in the final directives precludes entrance fees at ski areas. This paragraph clarifies that holders of ski area permits are authorized to charge for services and facilities they provide, rather than for general access. This direction is not intended to encourage or discourage fees. Rather, the direction simply clarifies when fees may be charged at ski areas.

Paragraphs 4, 5, and 6—Access by the Non-Paying Public

Comment: Several respondents observed that traditional snow-based recreation on NFS lands predates the establishment of ski areas and has been displaced by ski runs. These respondents stated that it is increasingly difficult to find opportunities to climb up and ski down at ski areas because they often control the only reasonable access to desirable terrain, which requires those who want to ski without using lifts to travel to increasingly remote areas. These respondents advocated allowing access to ski areas by the non-paying public to continue.

Several respondents agreed with providing guidance on recreational use at ski areas by the non-paying public to address management of the increasing number of skiers or snowshoers who climb uphill before lifts start running or while they are running. Many respondents believed that ski areas should not be able to limit the non-paying public from accessing NFS lands at ski areas and should be discouraged or prohibited from charging fees to those not using their facilities. These respondents believed that the directive should more strongly discourage ski areas from charging for uphill access by those who do not use lifts and that ski areas should not be able to preclude non-paying users from accessing NFS lands for appropriate recreation activities.

Other respondents requested free public access when ski areas are open as well as closed. These respondents observed that ski areas should not be allowed to charge when they are not incurring additional operating costs and that ski areas should be required, rather than encouraged, to provide for uphill access at ski areas, even during hours of operation. These respondents noted that there is no additional danger to uphill skiers outside of regular operating hours; that grooming machines are slow and noisy and easy to avoid; and that snowmobiles are sometimes used at ski areas while they are in operation, even though they are more dangerous than grooming machines. Some respondents stated that ski areas should not have control over the timing and location of use by the non-paying public in summer or winter. These respondents believed that the authorized officer should have discretion to make determinations regarding the safety of access by the non-paying public. One respondent suggested that restrictions on access by the non-paying public be subject to public notice and comment.

One respondent observed that parties on both sides of the access issue are sometimes unreasonable and that in some instances ski areas have tried to prohibit uphill access when there is no safety issue, while uphill skiers have unreasonably asserted that they can do as they like. This respondent noted that there should be compromise and mutual recognition of the need to balance free uphill access provided by ski areas with holder responsibility to follow safety procedures. The respondent added that access for human-powered recreation should not be denied when there is no real safety issue and improvements are not being used. One respondent observed that the authority of law enforcement officers to prevent people from hurting themselves is sufficient to address public safety concerns associated with use of ski areas by the non-paying public. Several respondents believed that uphill routes could be designated and modest uphill trail fees could be charged, just as cross-country trails are designated and cross-country trail fees are charged.

Several respondents observed that uphill access is not a right and is limited by safety, operational, and resource needs unique to each ski area. These respondents noted that a ski area's ability to manage the compatibility of uphill traffic with downhill use is important factor in meeting customer expectations and in the cost of liability insurance, and that ski areas need the ability to control use within ski area boundaries to maximize safety for the public and resort employees and to protect resources and investments. These respondents stated that there is a need to protect the health and safety of all users and ski area employees; that the goal of providing access should be subordinate to safety; and that restrictions on access by the non-paying public may need to be imposed for safety reasons. These respondents believed that access by the non-paying public cannot always be provided because of safety concerns and that access should be allowed only when it does not conflict with public

safety and does not seriously disrupt ski area operations.

These respondents stated that that downhill skiing and uphill access are not compatible and that ski areas should be able to establish some limitations on when and where uphill skiing and snowshoeing can occur at ski areas to promote safety. Specifically, these respondents stated that ski areas need to be able to limit uphill access to hours when a resort is not operational and to preclude uphill access when it impedes snow management activities such as avalanche control and grooming; when the ski area is preparing for a special event; when uphill access cannot otherwise be safely accommodated, such as during construction or adverse weather conditions; and when uphill access would cause resource damage or would pose an unacceptable risk to downhill skiers. Some respondents commented that the proposed directives should generally require that all ski area users obtain a lift ticket, even if it is complimentary, during hours of operation so that all users are made aware of the skier responsibility code and sign an acknowledgment of risk and waiver of liability.

Two respondents recommended that signs be posted at ski areas regarding access by the non-paying public. One respondent stated that these signs should be easily accessible and updated regularly to increase awareness of the availability of access by the non-paying public. Other respondents recommended requiring that ski areas' policy on access by the non-paying public be posted on their Web site, rather than on site.

Response: The Agency recognizes that access opportunities for traditional use in and around ski areas, including use of public trails and mountain passes, skiing, and mountaineering, may have been displaced by ski areas. Paragraph 4 of the final directives provides that holders may not charge for the use of NFS lands in which they have made limited or no investments or for use of nonmotorized or motorized trails that are constructed and maintained by the Forest Service. Paragraph 5 of the final directives precludes entrance fees at ski areas and states that authorized officers should strive to ensure that, to the extent possible based on public safety considerations, some portions of the permit area remain open to the public without charge, so that the holder's charges do not constitute de facto entrance fees. Consistent with Forest Service regulations and the terms and conditions of the standard ski area permit, paragraph 6 of the final directives provides that ski areas must remain open to the non-paying public for all lawful uses that are not inconsistent with the holder's rights and privileges and public safety, and that in most cases it would not be appropriate for restrictions to preclude all public use during the ski season other than by those purchasing a lift ticket or paying for other services. These paragraphs encourage authorized officers to maintain access opportunities for the non-paying public.

The Agency agrees that access by the non-paying public must be balanced with safety. Therefore, paragraphs 5 and 6 have been revised in the final directives to add public safety as a consideration in direction on access by the non-paying public at ski areas.

The Agency does not believe that the final directives should require uphill users to obtain a lift ticket. Paragraph 6 of the final directives provides that authorized restrictions on use by the non-paying public must be documented in the operating plan. The mechanics of how uphill access is managed, including whether or not a pass is required so that users are aware of the skier responsibility code and sign an acknowledgment of risk and waiver, should be addressed in the operating plan. The Agency believes that it is appropriate to state that uphill access information must be posted at locations where it would be accessible to the public, but that it is not appropriate to prescribe how that information is posted. Each ski area and its visitors are unique. The authorized officer and ski area permit holders are best suited to determine how and where to make this information available. Ski area permit holders are encouraged to work with their visitors to determine the most effective way to communicate this information.

FSM 2343.14

Comment: Many respondents stated that this section includes excerpts from existing management frameworks, e.g., the Scenery Management System (SMS), Recreation Opportunity Spectrum (ROS), and Built Environment Image Guide (BEIG) that do not need to be repeated.

Response: The inclusion of components of these management frameworks as initial screening criteria for proposals for additional seasonal and year-round recreation activities and associated facilities at ski areas does not replace or diminish application of these frameworks during project planning. As stated in FSM 2343.14, paragraph 9, inclusion of these components in initial screening of these proposals assists with the determination of whether they would harmonize with the surrounding natural environment, as required by SAROEA.

Comment: One respondent stated that this section establishes a different standard for evaluating proposals for summer uses at ski areas.

Response: SAROEA establishes requirements for additional seasonal and year-around use, not snow sports.

Comment: Some respondents suggested that the Forest Service better articulate the reasons for the new policy providing for authorization of additional development at ski areas. These respondents stated that ski resorts should not be allowed to develop facilities for summer activities simply for the financial benefit; that amusement parks and other amenities have no place in mountainous areas and will ruin the mountain experience; that zip lines, roller coasters, and downhill bike parks are incompatible with these natural areas, which should be kept wild and pristine and should not be developed; and that the Agency should encourage quiet, nature-based activities at ski areas.

Response: SAROEA expressly provides for the Forest Service to authorize development at ski areas, subject to certain conditions, to accommodate additional seasonal and year-round recreation activities and requires the Forest Service to promulgate regulations to implement that authority. These conditions do not include financial benefit. Rather, these additional activities and associated facilities must, for example, be natural resource-based, encourage outdoor recreation and enjoyment of nature, and, to the extent practicable, harmonize with the natural environment of the NFS lands on which they are located. Zip lines and mountain bike terrain park and trails are listed in SAROEA as activities and associated facilities that may be authorized at ski areas, subject to certain conditions. Amusement parks are prohibited at ski areas under SAROEA. The Agency has revised FSM 2343.11, paragraph 3, to state that additional seasonal and year-round recreation activities at ski areas may include a range of passive to active recreation activities. Site-specific review of proposals for additional seasonal and year-round recreation at ski areas will be conducted in compliance with the National Environmental Policy Act and other laws and regulations to determine whether the proposed uses are appropriate at the proposed location. During that public process, the Agency will consider public and other agency input and trade-offs related to the proposed development.

FSM 2343.14, Paragraph 1—Additional Screening Criteria

Comment: Some respondents believed that the level of development for facilities associated with additional seasonal and year-round recreation activities at ski areas should not have to be consistent with the level of development for snow sports.

Response: SAROEA requires that additional seasonal and year-round recreation activities at ski areas be located in the developed portions of the ski area and not change the primary recreational purpose of the ski area to other than snow sports. Evaluation of specific proposals may result in a determination that a substantially lower level of development is required.

Comment: Several respondents believed that requiring summer facilities to be visually subordinate to the ski area's existing facilities, vegetation, and landscape holds summer facilities to a higher standard than winter facilities.

Response: Consistent with SAROEA, the final directives require that facilities for additional seasonal and year-round recreation at ski areas harmonize, to the extent practicable, with the natural environment of the site where they would be located. To assist authorized officers in applying this requirement, the final directives include two relevant factors to consider: (1) Being visually consistent with or subordinate to the ski area's existing facilities, vegetation, and landscape; and (2) not requiring significant modifications to topography to facilitate construction or operations. The first factor does not require the proposed facilities to be visually subordinate to the ski area's existing facilities. Rather, the proposed facilities meet the harmonizing criterion if they are visually consistent with or subordinate to the ski area's existing facilities. Moreover, Agency directives and guidelines such as SMS, BEIG, and ROS are also applied to proposals involving snow sports facilities.

Comment: Several respondents were concerned that the proposed definition of ''amusement park ride'' and ''amusement park,'' which was defined as ''two or more amusement park rides in close proximity,'' would be construed to prevent any additional development adjacent to a chairlift, which would conflict with the requirement in SAROEA that additional seasonal and year-round recreation activities at ski areas be located, to the extent practicable, in the developed portions of the ski area.

Response: The Forest Service does not consider chairlifts to be amusement park rides. Furthermore, chairlifts support snow sports and would therefore not be subject to any of the prohibitions in SAROEA on authorizing specific types of additional seasonal and year-round recreation activities at ski areas. In addition, the Agency has removed the definition of ''amusement park ride'' from the final directive and revised the definition for ''amusement park'' to characterize what is not appropriate on NFS lands, i.e., developed recreation areas consisting primarily of facilities or activities that are not natural resource-based; do not encourage outdoor recreation and enjoyment of nature; do not harmonize with the natural environment; and contain rides and other amusements that are not typically found in a natural resource-based environment, such as water slides and water parks, Ferris wheels, bumper cars, and miniature golf courses.

Comment: Numerous respondents commented that the criteria in paragraphs 1a through 1e seem to supplement those in SAROEA and that the Forest Service should use the criteria in SAROEA.

Response: Paragraphs 1a through 1e require that (a) additional seasonal and year-round recreation activities at ski areas not change the primary purpose of the ski area to other than snow sports; (b) encourage outdoor recreation and enjoyment of nature and provide natural resource-based recreation opportunities; (c) to the extent practicable, be located within the portions of the ski area that are developed or that will be developed pursuant to the master development plan (MDP); (d) not exceed the level of development for snow sports and be consistent with the zoning established in the MDP; and (e) to the extent practicable, harmonize with the natural environment of the site where they would be located by (1) being visually consistent with or subordinate to the ski area's existing facilities, vegetation, and landscape; and (2) not requiring significant modifications to topography to facilitate construction or operations. Most of these criteria are stated in SAROEA. The remaining criteria, locating the facilities within portions of the ski area will be developed pursuant to the MDP; being consistent with the zoning established in the applicable MDP; and the factors for applying the harmonizing requirement, are consistent with the criteria in SAROEA and assist with their application.

Comment: Several respondents suggested requiring that facilities for additional seasonal and year-round recreation activities at ski areas have a limited impact on viewsheds and watersheds. These respondents stated that these facilities must be visually subordinate to the natural setting and that new mountain bike trails are creating scars that take a very long time to diminish.

Response: The Agency believes that the existing criterion in paragraph 1(e) provides for consideration of potential impacts on viewsheds and watersheds. In particular, paragraph 1e provides that, to the extent practicable, facilities for additional seasonal and year-round recreation activities at ski areas must harmonize with the natural environment of the site where they would be located by (1) being visually consistent with or subordinate to the ski area's existing facilities, vegetation, and landscape; and (2) not requiring significant modifications to topography to facilitate construction or operations. SAROEA requires that these facilities harmonize, to the extent practicable, with the natural environment of the NFS lands where they would be located. Therefore, the Agency believes it is appropriate to require that these facilities be either visually consistent with or subordinate to the ski area's existing facilities, vegetation, and landscape. Potential resource concerns associated with proposed facilities can be addressed during environmental analysis.

Comment: Several respondents suggested that rather than base zone designations on existing natural settings, the Agency should rely on concepts in existing systems such as BEIG, ROS, and SMS and provisions of the MDP.

Response: The Agency believes that the MDP, existing natural setting, and level of development to support snow sports are all relevant to zoning designations for development of facilities to support additional seasonal and year-round recreation activities at ski areas. Paragraph 1c provides that these facilities be located, to the extent practicable, within the portions of the ski area that are developed or that will be developed pursuant to the MDP. Paragraph 1d provides that these activities and associated facilities must be consistent with the zoning in the MDP. Paragraph 8 requires use of MDPs to guide the placement and design of these facilities and requires as a first step in this process the establishment of zones to guide placement and design of the facilities based on the existing natural setting and level of development to support snow sports.

Comment: One respondent requested that the Forest Service clarify that non-snow sport infrastructure is appropriate if it is consistent with the MDP.

Response: Consistency with the MDP in terms of location and level of development per paragraphs 1c and 1d is only one screening criterion for proposals for non-snow sport facilities. Forest Service regulations and directives, consistent with SAROEA, apply several other screening criteria to these proposals. In addition to meeting all the requirements in FSM 2343.14, including consistency with the MDP, proposals for additional seasonal and year-round recreation activities and associated facilities at ski areas are subject to review under the National Environmental Policy Act and other applicable authorities.

Comment: Some respondents commented that ski areas should not be required to revise or develop an MDP simply to add a zip line. Small ski areas may not have and may not need an MDP.

Response: An MDP is required by the ski area permit. The Forest Service recognizes that there is a significant range in the complexity of ski areas and that not all ski areas have an MDP. For ski areas that do not have an MDP, the Agency expects the holder to prepare a site plan for proposed additional seasonal or year-round recreation activities and associated facilities that illustrates how the proposed project would fit within the context of existing resources and facilities. The process need not be burdensome and can be concurrent with screening of the proposal. Upon implementation, the holder should provide an as-built site plan.

FSM 2343.14, Paragraph 2—List of Activities and Associated Facilities That May Be Authorized

Comment: Some respondents stated that mountain biking and disc golf should be included because they are beneficial to public health and well-being. Some respondents suggested renaming Frisbee golf as disc golf. Several respondents suggested adding activities and associated facilities to the list, including Segway rentals and tours; geocaching, and climbing walls. Others suggested removing the activities listed, since mountain settings are not essential to conduct them and since some, like Frisbee golf and zip lines, are more suited to playgrounds and city parks than ski areas and do not contribute to the enjoyment of nature. One respondent noted that wet trails should be closed to mountain bikers to prevent resource damage.

Response: The activities and associated facilities listed in paragraph 2 are specifically listed in SAROEA as activities that may be authorized at ski areas, subject to certain conditions. The Agency does not believe it is appropriate to expand the list in SAROEA of additional seasonal and year-round recreation activities and associated facilities that may be authorized at ski areas, subject to certain conditions. Instead, the Agency has included the criteria in SAROEA for evaluating proposals for these activities and facilities, along with criteria that are consistent with the criteria in the statute and that assist with their application. The activities and associated facilities listed in paragraph 2 and other additional seasonal and year-round recreation activities and associated facilities that are not listed in paragraph 3 will be evaluated case by case based on applicable regulations and directives, including FSM 2343.14. This approach provides more flexibility to address changes in activities, associated facilities, and public preferences. If a proposal is accepted, the potential for resource damage can be addressed by appropriate mitigation during environmental analysis.

FSM 2343.14, Paragraph 3—List of Activities and Associated Facilities That May Not Be Authorized

Comment: Some respondents suggested that all the activities in this paragraph seem appropriate at ski areas.

Response: The activities and associated facilities listed in paragraph 3 are expressly prohibited at ski areas by SAROEA.

Comment: One respondent requested that off-road vehicle use be added to the list of activities and associated facilities that may not be authorized at ski areas.

Response: The Agency does not believe it is appropriate to expand the list in SAROEA of additional seasonal and year-round recreation activities and associated facilities that may not be authorized at ski areas. Instead, the Agency has included the criteria in SAROEA for evaluating proposals for additional seasonal and year-round recreation activities and facilities, along with criteria that are consistent with the criteria in the statute and that assist with their application. Activities and associated facilities that are not listed in paragraph 3 will be evaluated case by case based on applicable regulations and directives, including FSM 2343.14. This approach provides more flexibility to address changes in activities, associated facilities, and public preferences.

Comment: Several respondents requested that a definition of ''amusement park'' be added to paragraph 3.

Response: The definition for ''amusement park'' is appropriately contained in FSM 2340.5.

FSM 2343.14, Paragraph 4—Factors

Comment: Several respondents stated that the proposed directive should specifically address whether mountain coasters are allowed in paragraph 4 and noted that mountain coasters emulate natural terrain, thereby allowing gravity to provide the thrill.

Response: The Agency does not believe it is appropriate to expand the list in SAROEA of additional seasonal and year-round recreation activities and associated facilities that may be authorized at ski areas, subject to certain conditions. Instead, the Agency has included the criteria in SAROEA for evaluating proposals for these activities and facilities, along with criteria that are consistent with the criteria in the statute and that assist with their application. Additional seasonal and year-round recreation activities and associated facilities that are not listed in paragraph 3, including mountain coasters, will be evaluated case by case based on applicable regulations and directives, including FSM 2343.14. This approach provides more flexibility to address changes in activities, associated facilities, and public preferences.

Comment: Some respondents objected to including excessive use of synthetic materials as a factor in determining whether to grant proposals for additional seasonal and year-round recreation activities at ski areas.

Response: The Agency agrees that the use of synthetic materials may be consistent with the requirements of the desired visual character and that synthetic materials can be used in such a way as to harmonize with the natural environment. Many synthetic materials are more sustainable and safer than natural materials. The Agency has therefore removed the reference to excessive use of synthetic materials in paragraph 4 of the final directives.

Comment: Some respondents suggested that proposals for activities and associated facilities that are not listed in paragraph 2 or 3 should be evaluated based on their similarity to the activities and associated facilities in those paragraphs.

Response: The Agency agrees and has retained that factor in paragraph 4.

Comment: Some respondents suggested including noise and light as screening criteria for additional seasonal and year-round recreation activities and associated facilities at ski areas; that the effects of noise and light should be limited to daylight hours; that lights should always be faced down to reduce

impact; and that wildlife and non-ski area users should have the opportunity to experience dark and quiet in the national forests.

Response: The Forest Service does not believe that noise and light should be added in paragraph 4 as factors for evaluating proposals because they are primarily related to environmental consequences. Whether a proposed activity and associated facility will have these effects, their relative level of impact, and whether mitigation is necessary or appropriate are best determined during site-specific environmental analysis after a proposal is accepted.

FSM 2343.14, Paragraph 5—Nonessential Activities

Comment: Some respondents believed that the requirement in paragraph 5 that the natural forest setting be essential to the visitor experience should be changed to the requirement that the natural forest setting significantly enhance the visitor experience.

Response: The requirement in paragraph 5 tracks the requirement in SAROEA that additional seasonal and year-round recreation activities and associated facilities at ski areas be natural resource-based. Therefore, the requirement in paragraph 5 must track the definition for NRBR in the directives. Many activities that are enhanced by the natural environment do not constitute NRBR. However, the Agency agrees that it could be difficult to determine whether attributes of the national forest setting are essential to the visitor's experience. To qualify as NRBR, the visitor's experience should be interdependent with attributes of national forest settings. The Agency has revised paragraph 5 in the final directives accordingly.

FSM 2343.14, Paragraph 6—Temporary Activities

Comment: Several respondents suggested that the Agency consider allowing temporary activities that rely on temporary facilities. Other respondents stated that concerts and weddings are inappropriate at ski areas.

Response: The Agency believes that it is appropriate to authorize some temporary activities at ski areas, such as weddings and concerts, that may not be natural resource-based if they utilize existing facilities. However, paragraph 6 provides that new facilities will not be authorized solely to support these types of activities. The Agency agrees that these activities may reasonably involve temporary facilities, such as stages, event tents, shelters, and fencing, if they conform to other requirements in FSM 2343.14. The intent of paragraph 6 is not to preclude these temporary facilities, but to preclude permanent facilities solely for these types of activities. Temporary facilities supporting these types of activities should not be set up for a season and should be removed promptly following the event to avoid resulting in de facto permanent facilities.

FSM 2343.14, Paragraph 7—Existing Facilities

Comment: Some respondents believed that the language in this paragraph, which encourages holders to utilize existing facilities for seasonal and year-round recreation activities at ski areas, is no longer appropriate and should be removed from the directives because of SAROEA. Other respondents noted that new lifts and roads should not be authorized solely for the benefit of summer use.

Response: The Agency does not believe that paragraph 7, which encourages efficient use of existing facilities for additional seasonal and year-round recreation activities at ski areas, should be removed. The use of existing facilities minimizes costs and resource impacts and should be encouraged. SAROEA does not establish any limitations on the use of existing facilities for additional seasonal and year-round recreation activities at ski areas.

FSM 2343.14, Paragraph 8—MDPs

Comment: Some respondents commented that MDPs are conceptual in nature and provide a basis for project proposals for additional seasonal and year-round recreation activities and associated facilities at ski areas. These respondents noted that the location of these facilities and the timelines for construction should be general in nature.

Response: The Agency agrees that MDPs are conceptual. As proposals progress through evaluation, more specificity is typically required. Paragraph 8a requires establishment of zones to guide placement and design of additional seasonal or year-round recreation facilities based on the existing natural setting and level of development to support snow sports. Paragraph 8b requires depiction of the general location of proposed facilities as part of the MDP process. Paragraph 8c requires establishment of an estimated timeframe for construction as part of the MDP process.

Comment: Several respondents requested that state wildlife managers be involved in implementation of SAROEA and that wildlife values be a factor in MDPs.

Response: The Forest Service has authority under SAROEA to authorize additional seasonal and year-round recreation activities at ski areas. Consistent with SAROEA and other applicable law, the Forest Service has provided an opportunity for public input, including input from state wildlife managers, in development of directives implementing SAROEA.

MDPs are conceptual documents that illustrate potential development based on known information and assumptions about future demand and visitor preferences and needs. MDPs are not decision documents that approve development. Potential impacts on wildlife and other resources and any appropriate mitigation are identified and evaluated during project-level environmental analysis.

FSM 2343.14, Paragraph 9—SMS, ROS, and BEIG

Comment: The proposed policy should rely on all appropriate direction and not just excerpts from SMS, ROS, and BEIG.

Response: All three management frameworks remain valid guidance for planning, design, and analysis of project proposals and will be followed as appropriate. The citations in paragraph 9 reference each framework in its entirety.

FSM 2343.14, Paragraph 10—Additional Terms and Conditions

Comment: Respondents requested that this paragraph be modified to provide that the authorized officer may include terms and conditions in permits authorizing additional seasonal and year-round recreation activities at ski areas subject only to the extent they are consistent with SAROEA.

Response: SAROEA expressly provides that the Forest Service may authorize additional seasonal and year-round recreation activities and associated facilities at ski areas subject to any terms and conditions deemed appropriate by the Forest Service. Therefore, it is not appropriate to qualify the authority in paragraph 10 to impose terms and conditions in permits authorizing these activities and associated facilities. Decisions to authorize activities and associated facilities under SAROEA must be consistent with other applicable laws, regulations, and policies, as well as site-specific constraints unique to each project.

FSM 2343.14, Paragraph 11—Permit Area Expansions

Comment: One respondent believed that a ski area could obtain approval for an expansion based on snow sports and develop the expanded area for summer use, such as off-road vehicle use. This respondent stated that this practice could lead to mass land expansions for summer uses that undercut the requirement that snow sports remain the primary purpose of ski areas.

Response: While it is possible that a snow sports expansion might lead to additional development for summer use, SAROEA requires that summer activities and associated facilities be located, to the extent practicable, in the developed portion of the ski area. SAROEA requires that authorization of summer uses not change the primary purpose of the ski area to other than snow sports. SAROEA also precludes consideration of the acreage needed for summer activities and associated activities in determining the ski area permit boundary. Paragraph 11 of the final directives provides that permit expansions have to be based on needs related to snow sports rather than additional seasonal or year-round recreation. Approved uses must be implemented in accordance with their authorizing decision and supporting environmental analysis.

FSM 2343.14, Paragraph 12—Existing Non-Conforming Facilities

No comments were received on paragraph 12.

FSM 2343.14, Paragraph 13—Approval Notwithstanding Other Provisions

To conform with SAROEA, the Agency is adding a citation to FSM 2703.2, paragraph 2b, to the notwithstanding language in this paragraph. Like the other provisions cited in the notwithstanding language, FSM 2703.2, paragraph 2b, provides, in pertinent part, that a proposed use may be authorized only if it cannot reasonably be accommodated on non-NFS lands. Adding the citation to FSM 2703.2, paragraph 2b, to the notwithstanding language in paragraph 13 will exempt proposals for additional seasonal and year-round recreation activities and associated facilities at ski areas from FSM 2703.2, paragraph 2b. Applying this paragraph to those activities and associated facilities could conflict with SAROEA.

FSM 2711.32—Ski Area Term Permit

No comments were received on this section.

FSH 2709.14, Section 13.2—Organizational Camp

No comments were received on this section.

FSH 2709.14, Section 61.1—Ski Areas

Comment: Respondents commented that authorizing additional seasonal and year-round recreation activities within existing ski area boundaries is a good idea and that development supporting these activities should be confined to existing boundaries.

Response: Paragraph 1c of the final directives requires additional seasonal and year-round recreation activities and associated facilities at ski areas to be located, to the extent practicable, within the portions of the ski area that are developed or that will be developed pursuant to the MDP. Proposals for development supporting additional seasonal and year-round recreation activities at ski areas will be evaluated case by case.

3. Section-by-Section Description of Changes to FSM 2340, Publicly Provided Recreation Opportunities

2340.5—Definitions

The Agency added definitions for ''amusement park'' and ''natural resource-based recreation'' because they are used throughout the directives to determine what types of additional seasonal or year-round recreation activities and associated facilities are appropriate at ski areas. The Agency revised the definition of ''terrain park.''

2343.11—Policy

Paragraph 3

The Agency relocated the list of additional seasonal and year-round recreation activities and associated facilities that may be authorized, subject to certain conditions, to FSM 2343.14. The relocated paragraph 3 provides direction to encourage additional seasonal or year-round recreation opportunities at ski areas that connect visitors to the natural environment and that support the Forest Service's mission. This paragraph establishes a broad framework to guide evaluation of proposals for additional seasonal or year-round recreation activities and associated facilities at ski areas.

Paragraph 4

The Agency has relocated the list of factors governing additional seasonal or year-round recreation activities and associated facilities that was included in this paragraph to FSM 2343.14. Relocated paragraph 4 clarifies that ski area permit holders may be allowed to charge fees for use of improvements and services in which they have made capital investments, such as ski trails or other facilities they constructed, groom, or otherwise maintain, and that ski area permit holders may not be allowed to charge for use of nonmotorized or motorized trails that are constructed and maintained by the Forest Service.

Paragraph 5

The Agency has relocated text included in this paragraph regarding utilization of existing facilities to FSM 2343.14. Relocated paragraph 5 would preclude authorization of an entrance fee at ski areas and would allow authorization of fees for facilities and services holders provide, such as lifts, parking lots, and slopes and trails that have been cleared, graded, groomed, or covered with manmade snow. Additionally, this paragraph would encourage authorized officers to ensure that some portions of the permit area remain open to the public without charge, so that the holder's charges do not constitute de facto entrance fees.

Paragraph 6

The Agency has relocated text that was included in this paragraph regarding the basis for modifying acreage under a ski area permit to FSM 2343.14. Relocated paragraph 6 directs authorized officers to ensure that ski area operations comply with Forest Service regulations and permit requirements for non-exclusive use and that ski areas remain open to the non-paying public for all lawful uses that are not inconsistent with the holder's rights and privileges. Additionally, this paragraph requires documentation in the operating plan of authorized restrictions on use by the non-paying public and posting of those restrictions in locations where they would be effective in informing the public. This paragraph also provides that in most cases it would not be appropriate for restrictions to preclude all public use during the ski season other than by those purchasing a lift ticket or paying for other services.

2343.14—Additional Seasonal or Year-Round Recreation Activities and Associated Facilities at Ski Areas

Paragraph 1

Paragraph 1 includes criteria in addition to those enumerated at 36 CFR 251.54(e)(1) to be applied during initial screening of proposals involving additional seasonal or year-round recreation activities and associated facilities at ski areas. These additional initial screening criteria include all the requirements in SAROEA that must be met for authorization of additional

seasonal and year-round recreation activities and associated facilities at ski areas, except for consistency with applicable law and the applicable land management plan. These additional criteria include not changing the primary purpose of the ski area to other than snow sports; encouraging outdoor recreation and enjoyment of nature and providing natural resource-based recreation opportunities; to the extent practicable, being located within the developed portions of the ski area or areas that will be developed pursuant to an MDP; and, to the extent practicable, harmonizing with the natural environment of the site where they would be located. Including consistency with applicable law and the applicable land management plan in paragraph 1 would be redundant, as this criterion is already included in initial screening of special use proposals under 36 CFR 251.54(e)(1)(i) and (e)(1)(ii). The requirement ''to the extent practicable, to be located within the developed portions of the ski area'' was modified to require, to the extent practicable, location within the portions of the ski area that are developed or that will be developed pursuant to the MDP. Locations in a ski area that are zoned for development pursuant to an MDP may become developed portions of the ski area.

This paragraph clarifies what is meant by harmonizing with the natural environment of the site where the proposed activities would be located by providing that they must:

(1) Be visually consistent with or subordinate to the ski area's existing facilitties, vegetation, and landscape; and

(2) Not require significant modifications to topography to facilitate construction or operations.

The Agency is also adding that seasonal or year-round recreation activities and associated facilities must:

(1) Not exceed the level of development for snow sports and must be consistent with the zoning established in the ski area's MDP;

(2) Not compromise snow sports operations or functions; and

(3) Increase utilization of snow sports infrastructure and not require extensive new support facilities, such as parking lots, restaurants, and lifts.

These additional criteria are consistent with the criteria in SAROEA. Consistency with the MDP is akin to consistency with the applicable land management plan. Since SAROEA provides that snow sports must remain paramount at ski areas on NFS lands, additional seasonal and year-round recreation activities and associated facilities must not compromise snow sports operations or functions. Requiring that proposals for these activities increase utilization of snow sports infrastructure and not require extensive new support facilities is consistent with the requirements not to change the primary purpose of the ski area to other than snow sports and to be located in the developed portions of the ski area. Thus, these additional criteria will assist ski area permit holders in developing proposals for these activities that meet the requirements of SAROEA and will assist authorized officers in evaluating these proposals consistent with SAROEA.

Paragraph 2

This paragraph lists the four additional seasonal or year-round recreation activities and associated facilities enumerated in SAROEA (zip lines, mountain bike terrain parks and trails, disc golf courses, and ropes courses) that may be approved if they meet the criteria in proposed paragraph 1. This list is not exhaustive. Other additional seasonal or year-round recreation activities and associated facilities may meet the criteria in proposed paragraph 1.

Paragraph 3

This paragraph lists the five additional seasonal or year-round recreation activities and associated facilities enumerated in SAROEA (tennis courts, water slides and water parks, swimming pools, golf courses, and amusement parks) that may not be approved at ski areas on NFS lands. This list is not exhaustive. Other additional seasonal or year-round recreation activities and associated facilities may not meet the criteria in proposed paragraph 1.

Paragraph 4

This paragraph enumerates a non-exhaustive list of factors that may affect whether other additional seasonal or year-round recreation activities and associated facilities besides those listed in paragraph 2 may be approved, including the degree to which visitors are able to engage with the natural setting, the extent to which the activities and associated facilities could be expected to lead to exploration and enjoyment of other NFS lands, and the similarity of the activities and associated facilities to those enumerated in paragraph 2 or paragraph 3. These factors will assist in application of the criteria in paragraph 1 and will help establish similarity to activities and associated facilities listed in paragraph 2 or paragraph 3. For example, the extent to which an activity and associated facilities could be expected to lead to exploration and enjoyment of other NFS lands may affect whether a proposed activity and associated facilities would encourage outdoor recreation and enjoyment of nature, provide natural resource-based recreation opportunities, and harmonize with the natural environment.

Paragraph 5

Consistent with the requirement in SAROEA that additional seasonal and year-round recreation activities and associated facilities provide natural resource-based recreation opportunities, paragraph 5 provides that the visitor's experience must be interdependent with attributes common in national forest settings.

Paragraph 6

This paragraph allows temporary activities at ski areas that rely on existing facilities, such as concerts and weddings, even if they are not necessarily dependent on a national forest setting, but could be enhanced by it. This paragraph also precludes authorizing new facilities solely for these temporary activities.

Paragraph 7

Paragraph 7 encourages holders to utilize existing facilities to provide additional seasonal or year-round recreation activities at ski areas. This paragraph was previously codified at FSM 2343.11, paragraph 5.

Paragraph 8

This paragraph provides for utilization of MDPs to guide the placement and design of additional seasonal or year-round recreation facilities at ski areas. Additionally, this paragraph requires the following three steps to be followed as part of the MPD process, in this sequence: (1) Establishment of zones to guide placement and design of additional seasonal or year-round recreation facilities based on the existing natural setting, desired visitor experience, and the level of development to support snow sports; (2) depiction of the general location of the facilities; and (3) establishment of an estimated timeframe for their construction. These requirements will provide a consistent planning framework for the development of additional seasonal or year-round recreation facilities, thereby avoiding piecemeal development, and will ensure that the level of development supporting snow sports is not exceeded by the level of development supporting facilities for

additional seasonal or year-round recreation activities.

Paragraph 9

Paragraph 9 provides for use of the Forest Service's SMS (FSM 2380), BEIG (Publication FS–710), and ROS (FSM 2310) to ensure that additional seasonal or year-round recreation activities and associated facilities are located and constructed to harmonize with the surrounding natural environment.

Paragraph 10

Consistent with SAROEA, this paragraph provides that authorization of additional seasonal or year-round recreation activities and associated facilities is subject to terms and conditions deemed appropriate by the authorized officer. This provision was previously codified at FSM 2343.11, paragraph 4c.

Paragraph 11

Consistent with SAROEA, paragraph 11 provides that the acreage necessary for additional seasonal or year-round recreation activities and associated facilities may not be considered in determining the acreage encompassed by a ski area permit and that permit area expansions must be based on needs related to snow sports rather than additional seasonal or year-round recreation. This provision was previously codified at FSM 2343.11, paragraph 6.

Paragraph 12

Consistent with SAROEA, this paragraph provides that additional seasonal or year-round recreation activities and associated facilities that were authorized before enactment of SAROEA and that do not meet the criteria in the preceding paragraphs of FSM 2343.14 may continue to be authorized during the term of the current permit. Also consistent with SAROEA, this paragraph provides that when the current permit terminates or is revoked, these non-conforming activities and associated facilities will not be reauthorized.

Paragraph 13

Consistent with SAROEA, this paragraph provides that proposals for additional seasonal and year-round recreation activities and associated facilities at ski areas that comply with paragraphs 1 through 12 may be approved notwithstanding FSM 2340.3, paragraph 3, and 2343.03, paragraph 1, which preclude authorization of development on NFS lands if it could be provided on non-NFS lands in the vicinity. The Agency has added a citation to FSM 2703.2, paragraph 2b to the notwithstanding language, as FSM 2703.2, paragraph 2b, also precludes authorization of development on NFS lands if it could be provided on non-NFS lands in the vicinity.

4. Section-by-Section Analysis of Changes to FSM 2710, Special Uses

2711.3—Term Permits

The Agency added a new subsection 2711.32, entitled ''Ski Area Term Permit.'' This subsection cross-references FSM 2721.61e for more information on these types of permits.

5. Section-by-Section Analysis of Changes to FSH 2709.14, Recreation Special Uses Handbook

Chapter 10—Organizational Camps and Other Privately Owned Improvements

Section 13.2—Policy

The Agency added paragraph 9 to provide for the proposal, authorization, construction, operation, and maintenance of zip lines and ropes courses at organizational camps. This paragraph requires a site plan showing the placement of facilities and addressing how access will be restricted; requires that design and construction conform to standards in FSM 7330; and requires an operating plan that conforms to FSM 7330 and restricts access to these facilities to times of supervised operation. Additionally, this paragraph cross-references FSM 2340 and 7330 for further guidance.

Chapter 60—Winter Recreation Resorts and Other Concessions Involving Winter Sports

Section 61.1—Ski Area Term Permit

The Agency changed the heading for section 61.1 to ''Ski Area Term Permit'' to clarify that ski area permits are term permits and to be consistent with the wording in FSM 2711.3. Consistent with SAROEA, the Agency added paragraph 12 to provide that the acreage necessary for additional seasonal or year-round recreation activities and associated facilities may not be considered in determining the acreage encompassed by a ski area term permit. This paragraph also provides that permit expansions have to be based on needs related to snow sports rather than additional seasonal or year-round recreation.

6. Regulatory Certifications

Environmental Impact

These final directives revise national Forest Service policy governing ski area permits issued under the Ski Area Permit Act. Forest Service regulations at 36 CFR 220.6(d)(2) exclude from documentation in an environmental assessment or environmental impact statement ''rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions.'' The Agency has concluded that these final directives fall within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

Regulatory Impact

These final directives have been reviewed under USDA procedures and Executive Order (E.O.) 12866 on regulatory planning and review. The Office of Management and Budget has determined that these final directives are not significant. These final directives will increase opportunities for recreation activities at ski areas consistent with SAROEA. These final directives will not have an annual effect of $100 million or more on the economy, nor will they adversely affect productivity, competition, jobs, the environment, public health and safety, or State or local governments. These final directives will not interfere with an action taken or planned by another agency, nor will they raise new legal or policy issues. Finally, these final directives will not alter the budgetary impact of entitlement, grant, or loan programs or the rights and obligations of beneficiaries of those programs. Accordingly, these final directives are not subject to the Office of Management and Budget review under E.O. 12866.

Moreover, the Agency has considered these final directives in light of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). Pursuant to a threshold Regulatory Flexibility Act analysis, the Agency has determined that these final directives will not have a significant economic impact on a substantial number of small entities as defined by the Act because these final directives will not impose new record-keeping requirements on them; affect their competitive position in relation to large entities; or significantly affect their cash flow, liquidity, or ability to remain in the market.

To the contrary, these final directives likely will have a positive economic effect on ski areas and local communities because these directives will enhance opportunities for recreation activities at ski areas. These benefits are not likely to alter costs to small businesses.

No Takings Implications

The Agency has analyzed these final directives in accordance with the principles and criteria contained in E.O.12630 and has determined that these final directives will not pose the risk of a taking of private property.

Civil Justice Reform

The Agency has reviewed these final directives under E.O. 12988 on civil justice reform. Upon adoption of these final directives, (1) all State and local laws and regulations that conflict with these final directives or that will impede their full implementation will be preempted; (2) no retroactive effect will be given to these final directives; and (3) they will not require administrative proceedings before parties may file suit in court challenging their provisions.

Federalism and Consultation and Coordination With Indian Tribal Governments

The Agency has considered these final directives under the requirements of E.O. 13132 on federalism and has concluded that these final directives conform with the federalism principles set out in this E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the Agency has determined that no further assessment of federalism implications is necessary at this time.

Moreover, these final directives do not have tribal implications as defined by E.O. 13175, entitled ''Consultation and Coordination With Indian Tribal Governments,'' and therefore advance consultation with Tribes is not required.

Energy Effects

The Agency has reviewed these final directives under E.O. 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' The Agency has determined that these final directives do not constitute a significant energy action as defined in the E.O.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Agency has assessed the effects of these final directives on State, local, and Tribal governments and the private sector. These final directives will not compel the expenditure of $100 million or more by any State, local, or Tribal government or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

Controlling Paperwork Burdens on the Public

These final directives do not contain any new record-keeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Any information collected from the public that will be required by these final directives has been approved by the Office of Management and Budget and assigned control number 0596–0082. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

7. Access to the Final Directives

The Forest Service organizes its Directive System by alphanumeric codes and subject headings. The intended audience for this direction is Forest Service employees charged with issuing and administering ski area permits. To view these final directives, visit the Forest Service's Web site at *http://www.fs.fed.us/specialuses.* Only the sections of the FSM that are the subject of this notice have been posted, that is, FSM 2340.5, Definitions; FSM 2343.11, Policy; 2343.14, Additional Seasonal or Year-Round Recreation Activities and Associated Facilities at Ski Areas; FSM 2711.32, Ski Area Term Permit; FSH 2709.14, chapter 10, section 13.2; and FSH 2709.14, chapter 60, section 61.1.

Dated: April 15, 2014.

Robert Bonnie,

Under Secretary, Natural Resources and Environment.

[FR Doc. 2014–08893 Filed 4–15–14; 4:15 pm]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ozark-Ouachita Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ozark-Ouachita Resource Advisory Committee (RAC) will meet in Waldron, Arkansas. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend projects authorized under title II of the Act.

DATES: The meeting will be held July 15, 2014, beginning at 4:30 p.m. CST. Alternate meeting dates are July 31, and August 5, 2014, in case of postponement due to weather, lack of committee quorum, or other unforeseen circumstances. All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at The meeting will be held at at the Scott County Courthouse, 100 W. First Street, Waldron, AR 71958. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at at the Ouachita National Forest Supervisor's Office. Please call ahead to 501–321–5202 to facilitate entry into the building to view comments.

FOR FURTHER INFORMATION CONTACT: Caroline Mitchell, Committee Coordinator, by phone at 501–321–5202 or via email at *carolinemitchell@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting summary/minutes can be found at the following Web site: *https://fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 10, 2014, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Send written comments and requests to Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71902, or by email to *carolinemitchell@fs.fed.us,* or via facsimile to 501–321–5399.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the

section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: April 11, 2014.

Bill Pell,

Designated Federal Official.

[FR Doc. 2014–08721 Filed 4–16–14; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[4/11/2014 Through 4/11/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
Checkers Industrial Products, LLC	620 Compton St, Broomfield, CO 80020.	4/11/2014	The firm manufactures industrial safety products made of plastic.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: April 11, 2014.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–08734 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–95–2013]

Authorization of Production Activity; Foreign-Trade Subzone 93G; Revlon Consumer Products Corporation (Cosmetics and Personal Care Products); Oxford, North Carolina

On October 17, 2013, Revlon Consumer Products Corporation (Revlon), operator of Subzone 93G, submitted a notification of proposed production activity to the FTZ Board for its facility in Oxford, North Carolina.

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 68027, 11/13/2013). The FTZ Board determined that no further review of the activity was warranted. On February 14, 2014, Revlon was informed that the production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 11, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–08803 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–912]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Preliminary Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: On October 30, 2013, the Department of Commerce (''Department'') initiated a changed circumstances review of the antidumping duty order on certain new pneumatic off-the-road tires (''OTR tires'') from the People's Republic of China (''PRC'') to determine whether Shandong Linglong Tyre Co., Ltd. (''Shandong Linglong'') is the successor-in-interest to Zhaoyuan Leo Rubber Co., Ltd. (''Leo Rubber''), for the purpose of determining antidumping duty liability.[1] We preliminarily determine that Shandong Linglong is the successor-in-interest to Leo Rubber, and thus entitled to use Leo Rubber's separate rate. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* April 17, 2014.

FOR FURTHER INFORMATION CONTACT: Andrew Medley, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–4987.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2008, the Department published in the **Federal Register** an antidumping duty order on OTR tires from the PRC.[2] Under the *Order,* Leo Rubber received the

[1] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Initiation of Changed Circumstances Review,* 78 FR 64913 (October 30, 2013) (''*Initiation Notice*'').

[2] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 73 FR 51624 (September 4, 2008) (''*Order*'').

separate-rate respondent rate, as revised, of 12.83 percent.[3]

On October 30, 2013, in response to a request from Shandong Linglong, the Department initiated a changed circumstances review to determine if Shandong Linglong is the successor-in-interest to Leo Rubber.[4] On November 15, 2013, the Department issued Shandong Linglong a questionnaire. On December 31, 2013, Shandong Linglong submitted its response to the Department's questionnaire.[5] No other party filed any further information or comment for these preliminary results.

Scope of the Order

The merchandise covered by this *Order* includes new pneumatic tires designed for off-the-road and off-highway use, subject to certain exceptions. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00, 4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00, 4011.93.40.00, 4011.93.80.00, 4011.94.40.00, and 4011.94.80.00. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.[6]

Preliminary Results

In this changed circumstances review, pursuant to section 751(b) of the Tariff Act of 1930, as amended (''the Act''), the Department conducted a successor-in-interest analysis. In making a successor-in-interest determination, the Department examines several factors, including, but not limited to, changes in the following: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.[7] While no single factor or combination of factors will necessarily provide a dispositive indication of a successor-in-interest relationship, generally, the Department will consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor.[8] Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor.[9]

In accordance with 19 CFR 351.216, we preliminarily determine that Shandong Linglong is the successor-in-interest to Leo Rubber. Record evidence, as submitted by Shandong Linglong, indicates that Shandong Linglong operates as essentially the same business entity as Leo Rubber.[10] For the complete successor-in-interest analysis, including discussion of business proprietary information, refer to the accompanying successor-in-interest memorandum.[11]

We find that the evidence provided by Shandong Linglong is sufficient to preliminarily determine that the change of its corporate name and form did not affect the company's operations in a meaningful way.[12] Therefore, we preliminarily determine that Shandong Linglong is the successor-in-interest to Leo Rubber and, thus, should receive the same antidumping duty treatment with respect to the *Order* as the former Leo Rubber.

If these preliminary results are adopted in our final results of this changed circumstances review, the Department will instruct U.S. Customs and Border Protection to continue suspension of liquidation and collect a cash deposit rate of 12.83 percent on all shipments of the subject merchandise exported by Shandong Linglong and entered, or withdrawn from warehouse, for consumption, on or after the publication date of the final results of this changed circumstances review.[13] This deposit rate shall remain in effect until further notice.

Public Comment

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of publication of this notice. In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice.[14] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs, in accordance with 19 CFR 351.309(d). All briefs must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). An electronically filed document must be received successfully in its entirety by IA ACCESS, by 5 p.m. Eastern Time on the due date.

Consistent with 19 CFR 351.216(e), we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216, 351.221(b) and 351.221(c)(3).

---

[3] On August 30, 2012, the Department published in the **Federal Register** a final determination, under section 129 of the Uruguay Round Agreements Act (''URAA''), regarding the antidumping duty investigation on OTR Tires from the PRC. *See Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act: Certain New Pneumatic Off-the-Road Tires; Circular Welded Carbon Quality Steel Pipe; Laminated Woven Sacks; and Light-Walled Rectangular Pipe and Tube From the People's Republic of China,* 77 FR 52683 (August 30, 2012). As part the Department's final determination under section 129 of the URAA, Leo Rubber was assigned a revised cash deposit rate of 12.83 percent. *Id.,* 73 FR at 51627.

[4] *See Initiation Notice.*

[5] *See* Letter from Shandong Linglong titled ''New Pneumatic Off-The-Road Tires from the People's Republic of China: Response to the Changed Circumstances Questionnaire,'' dated December 31, 2013, and letter from Shandong Linglong titled ''New Pneumatic Off-The-Road Tires from the People's Republic of China: Submission of Exhibits 13 and 14 of the Final Proprietary Version of the Changed Circumstances Questionnaire,'' dated February 26, 2014 (collectively, ''Questionnaire Response'').

[6] For a complete description of the Scope of the Order, *see* the Department's Memorandum to Melissa G. Skinner, Director, Office III, Antidumping and Countervailing Duty Operations, titled ''Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Preliminary Successor-In-Interest Determination,'' dated concurrently with this notice (''Preliminary Successor-In-Interest Memorandum'') at ''Scope of the *Order.*''

[7] *See, e.g., Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber From Japan,* 67 FR 58 (January 2, 2002).

[8] *See, e.g., Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 64 FR 9979, 9980 (March 1, 1999).

[9] *See, e.g., Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Preliminary Results of Antidumping Duty Changed Circumstances Review,* 63 FR 14679 (March 26, 1998), unchanged in *Circular Welded Non-Alloy Steel Pipe From Korea; Final Results of Antidumping Duty Changed Circumstances Review,* 63 FR 20572 (April 27, 1998) (finding that a company which only changed its name and did not change its operations is a successor-in-interest to the company before it changed its name).

[10] *See* Questionnaire Response.

[11] *See* Preliminary Successor-In-Interest Memorandum.

[12] *Id.; see also* Questionnaire Response.

[13] *See, e.g., Stainless Steel Plate in Coils From Belgium: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 77 FR 21963 (April 12, 2012).

[14] If an interested party is of the view that certain arguments continue to be relevant to the Department's final results of this review, that interested party is required to file a case brief containing all such arguments, including any such arguments presented to the Department before the date of publication of the preliminary results, pursuant to 19 CFR 351.309(c)(2).

Dated: April 10, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–08799 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Civil Nuclear Trade Advisory Committee (CINTAC) Meeting

AGENCY: ITA, DOC.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the CINTAC.

DATES: The meeting is scheduled for Wednesday, April 30, 2014, at 9:00 a.m. Eastern Daylight Time (EDT). The public session is from 3:00 p.m.–4:00 p.m.

ADDRESSES: The meeting will be held in Room 6029, U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Ave. NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, ITA, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Wednesday, April 30, 2014 CINTAC meeting is as follows:

Closed Session (9:00 a.m.–3:00 p.m.)

1. Discussion of matters determined to be exempt from the provisions of the Federal Advisory Committee Act relating to public meetings found in 5 U.S.C. App. §§ (10)(a)(1) and 10(a)(3).

Public Session (3:00 p.m.–4:00 p.m.)

1. International Trade Administration's Civil Nuclear Trade Initiative Update
2. Civil Nuclear Trade Promotion Activities Discussion
3. Public comment period

The meeting will be disabled-accessible. Public seating is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information below by 5:00 p.m. EDT on Friday, April 25, 2014 in order to pre-register for clearance into the building. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 30 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EDT on Friday, April 25, 2014. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers. Speakers are requested to bring at least 20 copies of their oral comments for distribution to the participants and public at the meeting.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on April 25, 2014. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2014–08717 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Emergency Beacon Registrations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before June 16, 2014.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Joy Hargraves, (301) 817–4001 or *Joy.Hargraves@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

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

An international system exists to use satellites to detect and locate ships, aircraft, and individuals in distress if they are equipped with an emergency radio beacon. Persons purchasing a digital distress beacon, operating in the frequency range of 406.000 to 406.100 MHz, must register it with NOAA. These requirements are contained in Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402. The data provided by registration can assist in identifying who is in distress and in suppression of false alarms.

II. Method of Collection

Paper and online registration is available.

III. Data

OMB Control Number: 0648–0295.

Form Number: None.

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

Affected Public: Individuals or households; business or other for-profit organizations; not-for-profit institutions; State, local, or tribal government.

Estimated Number of Respondents: 234,386.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 58,597.

Estimated Total Annual Cost to Public: $28,712 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 11, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–08703 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Economic Surveys of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands Small Boat-Based Fisheries

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

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

DATES: Written comments must be submitted on or before June 16, 2014.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Minling Pan, National Marine Fisheries Service, (808) 944–2190 or *Minling.Pan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

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

The National Marine Fisheries Service (NMFS) collects information about fishing expenses in the American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI) boat-based reef fish, bottomfish, and pelagics fisheries with which to conduct economic analyses that will improve fishery management in those fisheries; satisfy NMFS' legal mandates under Executive Order 12866, the Magnuson-Stevens Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act; and quantify achievement of the performances measures in the NMFS Strategic Operating Plans. An example of these performance measures: The economic data collected will allow quantitative assessment of the fisheries sector's social and economic contribution, linkages and impacts of the fisheries sector to the overall economy through Input-output (I–O) models analyses. Results from I–O analyses will not only provide indicators of social-economic benefits of the marine ecosystem, a performance measure in the NMFS Strategic Operating Plans, but also be used to assess how fishermen and economy will be impacted by and respond to regulations likely to be considered by fishery managers. These data are collected in conjunction with catch and effort data already being collected in this fishery as part of its creel survey program.[1] Participation in the economic data collection is voluntary.

II. Method of Collection

The economic surveys are conducted via in-person interviews when a fishing trip is completed. Captains of selected vessels by the creel survey are interviewed to report information about trip costs, input usage, and input prices.

III. Data

OMB Control Number: 0648–0635.

Form Number: None.

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

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 480.

Estimated Time per Response: 10 minutes per trip survey.

Estimated Total Annual Burden Hours: 80.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the

[1] The Creel Survey Program is one of the major data collection systems to monitor fisheries resources in these three geographic areas. The survey monitors the islands' fishing activities and interviews returning fishermen at the most active launching ramps/docks during selected time periods on the islands.

use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 11, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–08704 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD237

Marine Mammals; File No. 18438

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Alaska SeaLife Center (ASLC; Responsible Party, Tara Jones, Ph.D.) 301 Railway Avenue, P.O. Box 1329, Seward, AK 99664, has applied in due form for a permit to conduct research on Steller sea lions (*Eumetopias jubatus*).

DATES: Written, telefaxed, or email comments must be received on or before May 19, 2014.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18438 from the list of available applications.

These documents are also available upon written request or by appointment in the following office:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 18438 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Tammy Adams, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The Alaska SeaLife Center (ASLC) requests a five-year permit to conduct Steller sea lion population monitoring and health, nutrition, and foraging studies to provide data on pup and juvenile survival, reproductive rates, diet, epidemiology, endocrinology, immunology, physiology, ontogenetic and annual body condition cycles, and behavior. Individual sea lions may be taken by the following means with maximum number of takes per year in parentheses: disturbance associated with capture, observational studies, and material/scat/carcass collection (14,000); capture, restraint, and sampling (200); and remote biopsy (150). Captured sea lions will undergo morphometric measurements, blood and tissue collection, digital imaging, hot-branding, body condition measurement, whisker, hair, and milk sampling, temporary marking, and ultrasound exams. Individuals will be taken from the Gulf of Alaska and Aleutian Islands. Marine mammals that may be incidentally disturbed include harbor seals (*Phoca vitulina*), sea otters (*Enhydra lutris*), and California sea lions (*Zalophus californianus*).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007), and that issuance of the permit would not have a significant adverse impact on the human environment.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 14, 2014.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–08739 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC956

Marine Mammals; File No. 17030

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to C. Scott Baker, Ph.D., Oregon State University, Marine Mammal Institute, Hatfield Marine Science Center, 2030 SE Marine Science Drive, Newport, OR 97365, to import, export, and receive marine mammal parts for scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On November 5, 2013, notice was published in the **Federal Register** (78 FR 66336) that a request for a permit to conduct research on marine mammals parts had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The permit authorizes Dr. Baker to import, export and archive marine mammal parts (including DNA)

collected legally from any species of cetaceans and pinnipeds, except walrus, for the purposes of scientific research including studies on taxonomy, genetic diversity, population structure, abundance and individual movement of cetaceans and pinnipeds. No takes of live animals, direct or indirect, are authorized by the permit. The permit expires on February 28, 2019.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 8, 2014.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–08764 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Massachusetts, Texas, and Michigan Coastal Management Programs.

The Coastal Zone Management Program evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA) and regulations at 15 CFR part 923, Subpart L. The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of a Coastal Management Program requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluations will include a public meeting, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. When the evaluation is completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings. Notice is hereby given of the date, local time, and location of the public meeting.

Date and Time: The Massachusetts Coastal Management Program public meeting will be held on Thursday, June 5th at 4:30 p.m. local time at the Executive Office of Energy and Environmental Affairs, 2nd Floor Conference Room D, 100 Cambridge Street, Boston, Massachusetts 02114. A picture ID is required for building entry.

The Michigan Coastal Management Program public meeting will be held on Wednesday, June 4th, at 5:00 p.m. local time at Lansing Community College-West Campus, 5708 Cornerstone Drive, Room M119—Section 1, Lansing, Michigan, 48917.

The Texas Coastal Management Program public meeting will be held on Wednesday, June 4th, at 5:00 p.m. local time at Texas A&M University—Corpus Christi Natural Resources Center, 6300 Ocean Drive, Room 1003, Corpus Christi, Texas 78412.

ADDRESSES: Copies of each state's most recent performance report, as well as OCRM's evaluation notification letter to the state, are available upon request from OCRM. Written comments from interested parties regarding these programs are encouraged and will be accepted until June 6, 2014 for the Michigan Coastal Management Program and June 13, 2014 for the Massachusetts and Texas Coastal Management Programs. Please direct written comments to Carrie Hall, Evaluator, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, or *Carrie.Hall@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–1135, or *Carrie.Hall@noaa.gov.*

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: April 11, 2014.

Christopher C. Cartwright,

Associate Assistant Administrator for Management and CFO/CAO, Ocean Services, and Coastal Zone Management National, Oceanic and Atmospheric Administration.

[FR Doc. 2014–08723 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2014–0024]

Notice of Forum on the Guidance For Determining Subject Matter Eligibility of Claims Reciting or Involving Laws of Nature, Natural Phenomena, and Natural Products

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The United States Patent and Trademark Office (Office) is hosting a forum to receive public feedback from organizations and individuals on its guidance memorandum titled, ''Guidance For Determining Subject Matter Eligibility of Claims Reciting or Involving Laws of Nature, Natural Phenomena, and Natural Products (Laws of Nature/Natural Products Guidance),'' issued on March 4, 2014 and available at *www.uspto.gov/patents/announce/myriad-mayo.jsp.* The Laws of Nature/Natural Products Guidance implemented a new procedure to address changes in the law relating to subject matter eligibility under 35 U.S.C. 101 in view of recent Supreme Court precedent. The forum will be open for any member of the public to participate. The forum will provide an opportunity for participants to present their interpretation of the impact of Supreme Court precedent on the complex legal and technical issues involved in subject matter eligibility analyses during patent examination. Participants who believe that the Supreme Court decisions could be implemented in an alternative manner from the approach taken in the Laws of Nature/Natural Products Guidance should use the forum to present their alternative approach and the legal rationale for the alternative. The forum also can be used by participants to suggest additional examples for use by the Office to create a more complete picture of the impact of Supreme Court precedent on subject matter eligibility.

DATES: *Event:* The forum will be held on May 9, 2014, beginning at 1:00 p.m. Eastern Daylight Time (EDT), and ending at 4:00 p.m. EDT.

Registration: Registration is required to attend the forum in person or via webcast. Additionally, members of the public who wish to participate in the forum as a speaker must do so by request in writing no later than April 25, 2014. See the ''Registration Information'' section of this notice for additional details on how to register.

ADDRESSES: *Event:* The forum will be held in the Madison Auditorium North on the concourse level of the Madison Building, which is located at 600 Dulany Street, Alexandria, Virginia 22314.

Comments: Any member of the public, whether attending the forum or not, may submit written comments for consideration by the Office. There is no deadline for receipt of written comments. Persons submitting written comments should note that the Office will not necessarily provide a response. Written comments should be sent by electronic mail addressed to *myriad-mayo_2014@uspto.gov*. Comments also may be submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Raul Tamayo. Although comments may be submitted by mail, the Office prefers to receive comments via the Internet.

Comments will be available via the Office's Internet Web site at *http://www.uspto.gov/patents/announce/myriad-mayo.jsp*. Because comments will be available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

Event Registration Information: There is no fee to register for the forum, and registration will be on a first-come, first-served basis. Members of the public who would like to be considered to participate in the forum as a speaker must do so by request in writing no later than April 25, 2014. Registration on the day of the forum will be permitted for members of the public who wish solely to observe on a space-available basis beginning 30 minutes before the forum.

To register, please send an email message to *myriad-mayo_2014@uspto.gov* and provide the following information: (1) Your name, title, and if applicable, company or organization, address, phone number, and email address; (2) whether you wish to attend in person or via webcast; and (3) if you wish to make an oral presentation at the forum, the specific topic you intend to address, and the approximate desired length of your presentation. Each attendee, even if from the same organization, must register separately.

Due to time constraints, there is the potential that not all persons who wish to make a presentation will be accommodated. After reviewing the list of potential speakers and the information regarding the presentations provided in the registration, the Office plans to select speakers in a manner that ensures that the Office is receiving a balanced array of views. The Office will contact each selected speaker prior to the event with the amount of time available and the approximate time that the speaker's presentation is scheduled to begin. The amount of time available for each presentation may be limited to ensure that all persons selected to speak will have a meaningful chance to do so. Speakers must send the final electronic copies of their presentations in Microsoft PowerPoint or Microsoft Word to *myriad-mayo_2014@uspto.gov* by April 25, 2014, so that the presentation can be displayed at the forum. If time permits, the Office will provide an opportunity for persons in the audience not previously selected as speakers to speak at the forum without a formal presentation.

The Office plans to make the forum available via webcast. Webcast information, as well as a list of forum participants and their associations, will be available on the Office's Internet Web site before the forum at *http://www.uspto.gov/patents/announce/myriad-mayo.jsp.*

If special accommodations due to a disability are needed, please inform the contact person(s) identified below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information regarding the forum should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7728, or by email to *raul.tamayo@uspto.gov.*

SUPPLEMENTARY INFORMATION: The Office issued the Laws of Nature/Natural Products Guidance on March 4, 2014 and made it available via the Office's Internet Web site at *http://www.uspto.gov/patents/announce/myriad-mayo.jsp.* The Laws of Nature/Natural Products Guidance states that it is for use in subject matter eligibility determinations of all claims (i.e., machine, composition, manufacture, and process claims) reciting or involving laws of nature/natural principles, natural phenomena, and/or natural products. The Laws of Nature/Natural Products Guidance addresses the impact of *Association for Molecular Pathology* v. *Myriad Genetics, Inc.*[1] (*Myriad*) on the Supreme Court's long-standing ''rule against patents on naturally occurring things,'' as expressed in its earlier precedent including *Diamond* v. *Chakrabarty*[2] (*Chakrabarty*), and *Mayo Collaborative Services* v. *Prometheus Laboratories, Inc.*[3] (*Mayo*). Links to copies of these Supreme Court decisions, as well as a link to the Supreme Court's decision in *Funk Brothers Seed Co.* v. *Kalo Inoculant Co.,*[4] are available at *http://www.uspto.gov/patents/announce/myriad-mayo.jsp.*

Since releasing the Laws of Nature/Natural Products Guidance, the Office has provided a first round of training for the examiners in Technology Centers (TCs) most likely to be impacted by the Laws of Nature/Natural Products Guidance (e.g., TC 1600 and 1700). The slides used to train the examiners are available at *http://www.uspto.gov/patents/announce/myriad-mayo.jsp.* The Office is currently working on developing a second round of more in-depth examiner training. In addition, the Office established an email box (*myriad-mayo_2014@uspto.gov*) for members of the public to provide feedback on any aspect of the Laws of Nature/Natural Products Guidance rollout, including the Laws of Nature/Natural Products Guidance document itself and the training slides.

The forum will provide a more direct opportunity for members of the public to present their interpretation of the impact of the Supreme Court's decisions in, e.g., *Myriad, Mayo, Chakrabarty,* and *Funk* on the complex legal and technical issues involved in subject matter eligibility analyses during patent examination. The Office would like for members of the public who believe that the Supreme Court decisions could be implemented in an alternative manner from the approach taken in the Laws of Nature/Natural Products Guidance to use the forum to present their alternative approach and the legal rationale for the alternative. The forum also can be used by the public to suggest additional examples for use by the Office to create a more complete picture of the impact of Supreme Court precedent on subject matter eligibility. The Office will carefully consider all feedback it receives.

[1] 569 U.S. __, 133 S. Ct. 2107, 106 USPQ2d 1972 (2013).

[2] 447 U.S. 303 (1980).

[3] 566 U.S. __, 132 S. Ct. 1289, 101 USPQ2d 1961 (2012).

[4] 333 U.S. 127 (1948).

Dated: April 11, 2014.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2014–08759 Filed 4–16–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2012–HA–0145]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs 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 16, 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 TRICARE Management Activity Program, Policy and Benefits Branch, ATTN: Mr. Mark Ellis, Defense Health Agency (DHA) 7700 Arlington Blvd., Suite 5101, Falls Church, VA 22042–5101, Phone: 703–681–0063.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Continued Health Care Benefit Program, DD Form 2837; OMB Control Number: 0720–TBD: Previously cleared under 0704–0364.

Needs and Uses: The continuing information collection requirement is necessary for individuals to apply for enrollment in the Continued Health Care Benefit Program (CHCBP). The CHCBP is a program of temporary health care benefit coverage that is made available to eligible individuals who lose health care coverage under the Military Health System (MHS).

Affected Public: Individuals or Households.

Annual Burden Hours: 625.

Number of Respondents: 2500.

Responses per Respondent: 1.

Total Annual Responses: 2500.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Respondents are individuals who are or were beneficiaries of the Military Health System (MHS) and who desire to enroll in the CHCBP following their loss of eligibility or entitlement to health care coverage in the MHS. These beneficiaries include any person formerly eligible for care from the MHS according to Chapter 55 or Section 1145a of Title 10, United States Code. In order to be eligible for health care coverage under CHCBP, an individual must first enroll in CHCBP. DD Form 2837 is used as the information collection vehicle for that enrollment. The CHCBP is a legislatively mandated program and it is anticipated that the program will continue indefinitely. As such, the DoD is publishing this formal notice.

Dated: April 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2014–08718 Filed 4–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense (DoD).

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the Defense Advisory Committee on Women in the Services (''the Committee'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed 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) (''the Sunshine Act''), and 41 CFR 102–3.50(d).

The Committee is a discretionary Federal advisory committee that shall provide the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), independent advice and recommendations on matters and policies relating to women in the Armed Forces of the United States.

The Committee shall report to the Secretary of Defense and the Deputy Secretary of Defense through the USD(P&R). The USD(P&R) may act upon the Committee's advice and recommendations.

The DoD, through the Office of the USD(P&R), shall provide support, as deemed necessary, for the Committee's performance and functions, and shall ensure compliance with the requirements of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Committee shall be comprised of no more than 20 members who are appointed by the Secretary or the Deputy Secretary of Defense and who have experience with the military or with women's workforce issues. The Secretary or Deputy Secretary of Defense shall select and appoint the Committee's chair from the total membership. All Committee member appointments must be renewed by the Secretary or Deputy Secretary of Defense on an annual basis.

The Secretary or Deputy Secretary of Defense may appoint the Director of the Center for Women Veterans for the Department of Veterans Affairs to serve

as a non-voting ex-officio regular government employee (RGE) member, who participates in the Committee's deliberations. If appointed, he or she will not count toward the Committee's total membership or to determine whether a quorum exists.

The Under Secretary may request the appointment of additional experts and consultants to advise the Committee as subject matter experts. If approved by the Secretary of Defense, these experts and consultants, appointed under the authority of 5 U.S.C. 3109, shall have no voting rights on the Committee or its subcommittees, shall not count toward the Committee's total membership, and shall not engage in Committee deliberations.

Committee members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time or permanent part-time federal employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 to serve as special government employee (SGE) members. Committee members appointed by the Secretary of Defense, who are full-time or permanent part-time Federal employees, shall serve as RGE members. Committee members shall serve a term of service of one-to-four years on the Committee. No member may serve more than two consecutive terms of service without Secretary or Deputy Secretary of Defense approval. This same term of service limitation also applies to any DoD authorized subcommittees.

All Committee members will be reimbursed for travel and per diem as it pertains to official business of the Committee. Committee members, who are appointed by the Secretary or Deputy Secretary of Defense as SGE members, will serve without compensation.

DoD, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Committee. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the DoD Sponsor.

Such subcommittees shall not work independently of the Committee and shall report all of their recommendations and advice solely to the Committee for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Committee. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Committee, directly to the DoD or any Federal officer or employee.

The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, even if the member in question is already a member of the Committee. Subcommittee members shall not serve more than two consecutive terms of service unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members, if not full-time or permanent part-time Federal employees, will be appointed as experts and consultants, under the authority of 5 U.S.C. 3109, to serve as SGE members, whose appointments must be renewed on an annual basis. Subcommittee members appointed by the Secretary of Defense, who are full-time or permanent part-time Federal employees, shall serve as RGE members. With the exception of reimbursement of official travel and per diem related to the Committee or its subcommittees, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The estimated number of Committee meetings is four per year.

The Committee's DFO shall be a full-time or permanent part-time DoD employee and shall be appointed in accordance with established DoD policies and procedures.

The Committee's DFO is required to be in attendance at all meetings of the Committee and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly appointed to the Committee according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Committee and its subcommittees.

The DFO, or the Alternate DFO, shall call all of the Committee and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting, when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures; and chair meetings when directed to do so by the USD(P&R). Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Defense Advisory Committee on Women in the Services membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Defense Advisory Committee on Women in the Services.

All written statements shall be submitted to the DFO for the Defense Advisory Committee on Women in the Services, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Defense Advisory Committee on Women in the Services DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/*.

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Defense Advisory Committee on Women in the Services. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: April 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–08766 Filed 4–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the Defense Advisory Committee on Military Personnel Testing (''the Committee'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed 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) (''the Sunshine Act''), and 41 CFR 102–3.50(d).

The Committee is a discretionary Federal advisory committee that shall provide the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), with assistance and

independent advice on matters pertaining to military personnel testing for enlisted selection and classification.

The Committee shall report to the Secretary of Defense and the Deputy Secretary of Defense through the USD(P&R). The USD(P&R) may act upon the Committee's advice and recommendations.

The committee shall review the calibration of personnel selection and classification tests to ensure accuracy of resulting scores, review relevant validations studies to ensure that tests have utility in predicting success in technical and on-the-job training, review on-going testing research and development in support of the enlistment program, and make recommendations to improve the testing process so that it is more responsive to the needs of the DoD and the Military Services.

The DoD, through the Office of the USD(P&R), shall provide support, as deemed necessary, for the Committee's performance and functions, and shall ensure compliance with the requirements of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Committee shall be comprised of no more than seven members who are eminent authorities in the fields of educational and psychological testing.

Committee members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time or permanent part-time Federal employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 to serve as special government employee (SGE) members. Committee members who are full-time or permanent part-time Federal employees, shall be appointed pursuant to 41 CFR 102–3.130(a), as regular government employee (RGE) members. Committee members shall serve a term of service of one-to-four years, as determined by the Secretary or Deputy Secretary of Defense, with annual renewals. Pursuant to DoD policy, no member of the Committee will serve more than two consecutive terms of service unless otherwise authorized by the Secretary or Deputy Secretary of Defense. This same term of service limitation also applies to any DoD authorized subcommittees. All Committee members will be reimbursed for travel and per diem as it pertains to official business of the Committee. Committee members will serve without compensation. The Secretary or Deputy Secretary of Defense shall select and appoint the Committee's chair from the total membership for a two-year term of service with annual renewals.

DoD, when necessary, and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task groups, and working groups to support the Committee. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the DoD sponsor.

Such subcommittees shall not work independently of the Committee, and shall report all their recommendations and advice solely to the Committee for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Committee. No subcommittee or any of its members update or report, verbally or in writing, on behalf of the Committee, directly to the DoD or any Federal officers or employees.

All subcommittee members will be appointed in the same manner as Committee members; that is, the Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, even if the member in question is already a member of the Committee. Subcommittee members shall not serve more than two consecutive terms of service unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members, if not full-time or part-time Federal employees, will be appointed as experts and consultants, under the authority of 5 U.S.C. 3109, to serve as SGE members, whose appointments must be renewed on an annual basis. Subcommittee members who are full-time or permanent part-time Federal employees, shall be appointed pursuant to 41 CFR 102–3.130(a), as RGE members. With the exception of reimbursement of official travel and per diem related to the committee or its subcommittees, subcommittee members shall serve without compensation. All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Committee shall meet at the call of the Committee's Designated Federal Officer (DFO), in consultation with the Committee's chair. The estimated number of Committee meetings is two per year.

The Committee's DFO pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee and shall be appointed in accordance with established DoD policies and procedures. The Committee's DFO is required to be in attendance at all meetings of the Committee and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly appointed to the Committee according to established DoD policies and procedures, shall attend the entire duration of all of the meetings of the Committee and its subcommittees.

The DFO, or the Alternate DFO, shall call all of the Committee and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting, when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures; and chair meetings when directed to do so by the USD(P&R). Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Defense Advisory Committee on Military Personnel Testing membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Defense Advisory Committee on Military Personnel Testing.

All written statements shall be submitted to the DFO for the Defense Advisory Committee on Military Personnel Testing, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Defense Advisory Committee on Military Personnel Testing DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/*.

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Defense Advisory Committee on Military Personnel Testing. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: April 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–08775 Filed 4–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Termination of Defense Intelligence Agency Advisory Board

AGENCY: DoD.

ACTION: Termination of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is terminating the Defense Intelligence Agency Advisory Board, effective February 26, 2014.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee is being terminated under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix), 41 CFR 102–3.55, and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), effective February 26, 2014.

Dated: April 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–08763 Filed 4–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Assistant Secretary of Defense, DoD.

ACTION: Meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces (subsequently referred to as the Task Force). This meeting is open to the public.

DATES: Monday, May 12, 2014 from 8:00 a.m.to 5:00 p.m. EST—Tuesday, May 13, 2014 from 8:00 a.m. to 3:30 p.m. EST.

ADDRESSES: DoubleTree by Hilton Hotel Washington DC-Crystal City, 300 Army Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mail Delivery service through Recovering Warrior Task Force, Hoffman Building II, 200 Stovall St, Alexandria, VA 22332–0021 ''Mark as Time Sensitive for May Meeting''. Email correspondence to *rwtf@mail.mil*. Ms. Denise F. Dailey, Designated Federal Officer; Telephone (703) 325–6640. Fax (703) 325–6710.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is for the Task Force Members to convene and develop recommendations for their FY 2014 annual report.

Agenda: (Refer to *http://rwtf.defense.gov* for the most up-to-date meeting information).

Day One: Monday, May 12, 2014

8:00 a.m.–9:00 a.m. Welcome, Administrative, Status of Forces Briefing
9:00 a.m.–9:15 a.m. Break
9:15 a.m.–10:30 a.m. Task Force Recommendation Development
Strategic Observations related to holistic reform of DES
10:30 a.m.–11:45 a.m. Task Force Recommendation Development
Strategic Observations related to harmonization of RW health and transition services across DoD, VA, other federal agencies, and private sector
11:45 a.m.–12:30 p.m. Break for lunch
12:30 p.m.–1:45 p.m. Task Force Recommendation Development
Observations related to inter-agency healthcare collaboration and harmonization of the DoD, VA, and civilian IT systems and PTSD care
1:45 p.m.–2:00 p.m. Break
2:00 p.m.–3:00 p.m. Task Force Recommendation Development
Observations related to inter-agency systems for facilitating the successful transfer of SMs from DoD to VA healthcare systems
3:00 p.m.–3:15 p.m. Break
3:15 p.m.–4:30 p.m. Task Force Recommendation Development
Observations related to Family Caregivers
4:30 p.m.–5:00 p.m. Wrap Up

Day Two: Tuesday, May 13, 2014

8:00 a.m.–8:15 a.m. Welcome, Administrative
8:15 a.m.–8:30 a.m. Public Forum
8:30 a.m.–9:45 a.m. Task Force Recommendation Development
Observations related to Reserve Component (including IDES)
9:45 a.m.–10:00 a.m. Break
10:00 a.m.–11:00 a.m. Task Force Recommendation Development
Observations related to Empowering the Centers of Excellence
11:00 a.m.–11:15 a.m. Break
11:15 a.m.–12:00 p.m. Task Force Recommendation Development
Observations related to Recruitment Screening Practices and IDES
12:00 p.m.–1:00 p.m. Break for lunch
1:00 p.m.–2:00 p.m. Task Force Recommendation Development
Observations related to Vocational/Employment Services
2:00 p.m.–2:15 p.m. Break
2:15 p.m.–3:00 p.m. Task Force Recommendation Development
Observations related to Military Services, Information Resources, and PTSD/TBI
3:00 p.m.–3:30 p.m. Wrap Up

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces about its mission and functions. If individuals are interested in making an oral statement during the Public Forum, a written statement for a presentation of two minutes must be submitted as stated in this notice and it must be identified as being submitted for an oral presentation by the person making the submission. Identification information must be provided and, at a minimum, must include a name and a phone number. Individuals may visit the Task Force Web site at *http://rwtf.defense.gov* to view the Charter. Individuals making presentations will be notified by Wednesday, May 7, 2014. Oral presentations will be permitted only on Tuesday, May 13, 2014 from 8:15 a.m. to 8:30 a.m. EST before the Task Force. The number of oral presentations will not exceed ten, with one minute of questions available to the Task Force members per presenter. Presenters should not exceed their two minutes.

Written statements in which the author does not wish to present orally may be submitted at any time or in response to the stated agenda of a planned meeting of the Department of

Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.

All written statements shall be submitted to the Designated Federal Officer for the Task Force through the contact information in the **FOR FURTHER INFORMATION CONTACT** section, and this individual will ensure that the written statements are provided to the membership for their consideration. Statements, either oral or written, being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 5:00 p.m. EST, Monday, May 5, 2014 with the subject of this notice. Statements received after this date may not be provided to or considered by the Task Force until its next meeting. Please mark mail correspondence as ''Time Sensitive for May Meeting.''

The Designated Federal Officer will review all timely submissions with the Task Force Co-Chairs and ensure they are provided to all members of the Task Force before the meeting that is the subject of this notice.

Reasonable accommodations will be made for those individuals with disabilities who request them. Requests for additional services should be directed to Ms. Heather Moore, (703) 325–6640, by 5:00 p.m. EST, Thursday, May 8, 2014.

Dated: April 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–08777 Filed 4–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0009]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Army proposes to alter a system of records notice, A0600–63 G3/5/7, entitled ''Soldier Fitness Tracker System'' in its existing inventory of records systems subject to the Privacy Act of 1974, as amended. This system supports a systematic collection, analysis, interpretation, and reporting of standardized, population based data for the purposes of self-assessing, characterizing, and developing individualized profiles to guide individuals through structured self-development training modules with the goal of improving mental and physical well-being, coping skills and strategies. The Comprehensive Soldier and Family Fitness (CSF2) program, which operates the Soldier Fitness Tracker System, routinely advises leadership of trends and anomalies.

DATES: Comments will be accepted on or before May 19, 2014. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

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

- Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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: Mr. Leroy Jones, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905 or by calling (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/.* The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended were submitted on April 11, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 11, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0600–63 G3/5/7

SYSTEM NAME:

Soldier Fitness Tracker System (July 20, 2009, 74 FR 35169)

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Army Analytics Group (AAG), 5253 Business Center Drive, Suite A, Fairfield, CA 93940–5703.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Current Army military personnel (Active Duty, Reserve and National Guard), family members of Army service members and Army civilian employees; current Navy, Marine Corps and Air Force military personnel (Active Duty, Reserve and National Guard).''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''The Soldier Fitness Tracker System contains up-to-date and historical data related to family, emotional, spiritual, social, and physical fitness. It includes names, Social Security Number (SSN), DoD ID Number, dates of birth, gender, race, ethnic category, rank/grade, service, service component, occupation, education level, marital status, dependent quantities, home and unit location data, Unit Identification Code, component mobilization dates, Military Occupation Specialties Code, additional Skill Identifier Code, education level, mailing/home address, personal email address. The system will contain data on periodic and deployment health appraisal information and historical data on personnel and deployments including medical encounter information, periodic health and wellness survey information, readiness status information, longitudinal demographic and occupational information, assignment and deployment information, and results of aptitude tests. It also includes information related to enrollment and completion of programs to improve physical and mental functioning.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 3013, Secretary of the Army; DoD Instruction 1100.13, Surveys of DoD Personnel; DoD Directive 6490.2, Comprehensive Health Surveillance; DoD Directive 6490.3, Deployment Health; DoD Directive 1404.10, Civilian Expeditionary Workforce; AR 600–63, The Army Health Program; and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''The Soldier Fitness Tracker System supports a systematic collection, analysis, interpretation, and reporting of standardized, population based data for the purposes of self-assessing, characterizing, and developing individualized profiles to guide individuals through structured self-development training modules with the goal of improving mental and physical well-being, coping skills and strategies. The Comprehensive Soldier and Family Fitness (CSF2) program, which operates the Soldier Fitness Tracker System, routinely advises leadership of trends and anomalies.

A version of the instrument, tailored for Navy, Marine Corps and Air Force military personnel, is provided via a separate link to those services as an introduction to the available capabilities of the system and for consideration to apply these tools in their ranks.

The Defense Health Agency (DHA) administers the assessment instrument in its health and wellness online training environment. DHA is a DoD level health organization serving service members in all DoD branches of service.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices may apply to this system.

Note: This system of records contains Protected Health Information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18–R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974, as amended, or mentioned in this system of records notice.''

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''By name, SSN and/or DoD ID Number.''

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records are kept until no longer needed for business but not longer than 6 years. Records are destroyed by erasing.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Comprehensive Soldier and Family Fitness, HQDA, G–3/5/7, Crystal Square Five, 2nd Floor, 251 18th Street South, Arlington, VA 22202–3540.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the HQDA G–3/5/7 Comprehensive Soldier and Family Fitness (CSF2), Crystal Square Five, 2nd Floor, 251 18th Street South, Arlington, VA 22202–3540.

For verification purposes, individual should provide their full name, SSN and/or DoD ID number, any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature).

If executed within the United States, its territories, possessions, or commonwealths: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the HQDA G–3/5/7, Comprehensive Soldier and Family Fitness (CSF2), Crystal Square Five, 2nd Floor, 251 18th Street South, Arlington, VA 22202–3540.

For verification purposes, individual should provide their full name, SSN and/or DoD ID number, any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).

If executed within the United States, its territories, possessions, or commonwealths: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

* * * * *

[FR Doc. 2014–08682 Filed 4–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0060]

Agency Information Collection Activities; Comment Request; Measures and Methods for the National Reporting System for Adult Education

AGENCY: Office of Career, Technical and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 16, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0060 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov*

site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Michelle Meier, (202) 245–7890.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Measures and Methods for the National Reporting System for Adult Education.

OMB Control Number: 1830–0027.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 5,700.

Total Estimated Number of Annual Burden Hours:

Abstract: Title II of the Workforce Investment Act (WIA—Pub. L. 105–220), entitled the Adult Education and Family Literacy Act (AEFLA), creates a partnership among the Federal government, States, and localities to provide, on a voluntary basis, adult education and literacy services. Section 212 of Title II requires that a comprehensive performance accountability system be established to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education and literacy activities in order to optimize the return on the Federal investment. The accountability system must include the following measures of performance. These measures are referred to in AEFLA as ''core indicators are: Demonstrated improvements in adult learners' literacy skill levels; placement in, retention in, or completion of postsecondary education, training, unsubsidized employment or career advancement; and receipt of a secondary school diploma or its recognized equivalent. States submit 10 required tables, 6 optional tables, 4 financial reports, 1 narrative report, and 1 data quality checklist.

Dated: April 14, 2014.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–08716 Filed 4–16–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of Charter Renewal.

SUMMARY: Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. 92–463), and in accordance with Title 41 of the Code of Federal Regulations, section 102–3.65(a), and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Environmental Management Site-Specific Advisory Board (EM SSAB or Board) will be renewed for a two-year period beginning April 11, 2014.

The Board provides the Assistant Secretary for Environmental Management (EM) with information, advice, and recommendations concerning issues affecting the EM program at various sites. These site-specific issues include clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities.

Additionally, the renewal of the Environmental Management Site-Specific Advisory Board has been determined to be essential to conduct the Department of Energy's business and to be in the public interest in connection with the performance of duties imposed on the Department of Energy, by law and agreement. The Board will operate in accordance with the provisions of the Federal Advisory Committee Act, and rules and regulations issued in implementation of that Act.

Further information regarding this Advisory Board may be obtained from Mr. David Borak, Designated Federal Officer, at (202) 586–9928.

Issued in Washington, DC, on April 11, 2014.

Amy Bodette,

Committee Management Officer.

[FR Doc. 2014–08806 Filed 4–16–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Soil Water Monitoring Systems, LLC

AGENCY: Office of the General Counsel, Department of Energy.

ACTION: Notice of intent to grant exclusive patent license.

SUMMARY: Notice is hereby given to an intent to grant to Soil Water Monitoring Systems, LLC of Kennewick, WA, an exclusive license to practice the inventions described in U.S. Patent No. 6,752,007 entitled ''Horizontal Advanced Tensiometer''. The invention is owned by the United States of America, as represented by the U.S. Department of Energy (DOE).

DATES: Written comments or nonexclusive license applications are to be received at the address listed below no later than May 2, 2014.

ADDRESSES: Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Michael Badagliacca, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Forrestal Building, Room 6F–067, 1000 Independence Ave. SW., Washington, DC 20585; Telephone (202) 586–4792.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 209 provides federal agencies with authority to grant exclusive licenses in

federally-owned inventions, if, among other things, the agency finds that the public will be served by the granting of the license. The statute requires that no exclusive license may be granted unless public notice of the intent to grant the license has been provided, and the agency has considered all comments received in response to that public notice, before the end of the comment period.

Soil Water Monitoring Systems, LLC of Kennewick, WA has applied for an exclusive license to practice the inventions embodied in U.S. Patent No. 6,752,007 and has plans for commercialization of the inventions.

The exclusive license will be subject to a license and other rights retained by the U.S. Government, and other terms and conditions to be negotiated. DOE intends to negotiate to grant the license, unless, within 15 days of this notice, the Assistant General Counsel for Technology Transfer and Intellectual Property, Department of Energy, Washington, DC 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reason why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention in which applicant states that if already has brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all timely written responses to this notice, and will proceed with negotiating the license if, after consideration of written responses to this notice, a finding is made that the license is in the public interest.

Issued in Washington, DC, on April 9, 2014.

John T. Lucas,

Assistant General Counsel for Technology, Transfer and Intellectual Property.

[FR Doc. 2014–08802 Filed 4–16–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. Ic14–11–000]

Commission Information Collection Activities (FERC–516a); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, [FERC–516A, ''Small Generator Interconnection Agreements'' (OMB No. 1902–2003)].

DATES: Comments on the collection of information are due June 16, 2014.

ADDRESSES: You may submit comments (identified by Docket No. IC14–11–000) by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp.*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–516A, Standardization of Small Generator Interconnection Agreements and Procedures.

OMB Control No.: 1902–0203.

Type of Request: Three-year extension of the information collection requirements for FERC–516A with no changes to the current reporting requirements.

Abstract: Under Sections 205 and 206 of the Federal Power Act (FPA) [1] the Commission is charged with ensuring just and reasonable electric transmission rates and charges as well as ensuring that jurisdictional providers do not subject any person to any undue prejudice or disadvantage.

The lack of consistent and readily accessible terms and conditions for connecting resources to the grid led to a large number of disputes between jurisdictional transmission providers and small generators [2] in the late 1990s and early 2000s. In response, the Commission directed transmission providers to include Commission-approved, standard, pro-forma interconnection procedures (small generator interconnection procedures or SGIP) and a single uniformly applicable interconnection agreement (small generator interconnection agreement or SGIA) in their open-access transmission tariffs (OATTs). The requirement to create and file these documents was instituted August 2005 by Commission Order No. 2006 [3] and is codified in 18 CFR 35.28(f). This requirement set and maintained a standard in OATTs for consistent consideration and processing of interconnection requests by transmission providers.

Since the issuance of Order No. 2006, many aspects of the energy industry have changed including the growth of small generator interconnection requests [4] and the growth in solar photovoltaic (PV) installations. These changes have been driven, in part, by state renewable energy goals and policies. For example, approximately 3,300 MW of grid-connected PV capacity were installed in the U.S. in 2012 [5] compared to 79 MW in 2005, the year Order No. 2006 was issued.[6]

In February 2012, pursuant to Sections 205 and 206 of the FPA and Rule 207 of the Commission's Rules of Practice and Procedures,[7] and noting that the Commission encouraged stakeholders to submit proposed revisions to the regulations set forth in Order No. 2006,[8] the Solar Energy

[1] 16 U.S.C. 824d and 824e.

[2] ''Small generators'' are generating facilities having a capacity of no more than 20 megawatts (MW).

[3] Standardization of Small Generation Interconnection Agreements and Procedures, Order No. 2006, 70 FR 34189 (May 12, 2005), FERC Stats. & Regs. ¶31,180 (2005).

[4] *See, e.g., Cal. Indep. Sys. Operator Corp.*, 133 FERC ¶ 61,223, at P 3 (2010) (stating that an increasing volume of small generator Interconnection Requests had created inefficiencies); *Pacific Gas & Elec. Co.,* 135 FERC ¶ 61,094, at P 4 (2011) (stating that increased small generator Interconnection Requests resulted in a backlog of 170 requests over three years); *PJM Interconnection, LLC,* 139 FERC ¶ 61,079, at P 12 (2012) (stating that smaller projects comprised 66 percent of recent queue volume).

[5] Sherwood, Larry, U.S. Solar Market Trends 2012 at 4, *available at http://www.irecusa.org/wp-content/uploads/2013/07/Solar-Report-Final-July-2013-1.pdf.*

[6] U.S. Solar Market Insight Report, 2012 Year in Review, Executive Summary Table 2.1, *available at http://www.seia.org/research-resources/us-solar-market-insight-2012-year-in-review.*

[7] 18 CFR 385.207 (2012).

[8] SEIA Petition at 4 (citing Order No. 2006, FERC Stats. & Regs. ¶ 31,180 at P 118).

Industries Association (SEIA) filed a Petition to Initiate Rulemaking (Petition). The Petition requested the Commission revise the *pro forma* SGIA and SGIP set forth in Order No. 2006. SEIA asserted that the *pro forma* SGIP and SGIA as applied to small solar generation were no longer just and reasonable, had become unduly discriminatory, and presented unreasonable barriers to market entry.[9] SEIA noted that its Petition would apply exclusively to solar electric generation due to its unique characteristics.[10]

In 2012 the Commission issued a Notice of Petition for Rulemaking in Docket No. RM12–10–000 and began a public process to explore SEIA's Petition through the Commission's formal notice and comment process as well as technical conferences.

In November 2013, the Commission issued Order No. 792 to amend the *pro forma* Small Generator Interconnection Procedures and *pro forma* Small Generator Interconnection Agreement.

Order No. 792: (1) Incorporates provisions that provide an Interconnection Customer with the option of requesting from the Transmission Provider a pre-application report providing existing information about system conditions at a possible Point of Interconnection; (2) revised the 2 megawatt (MW) threshold for participation in the Fast Track Process included in section 2 of the *pro forma* SGIP; (3) revised the customer options meeting and the supplemental review following failure of the Fast Track screens so that the supplemental review is performed at the discretion of the Interconnection Customer and includes minimum load and other screens to determine if a Small Generating Facility may be interconnected safely and reliably; (4) revised the *pro forma* SGIP Facilities Study Agreement to allow the Interconnection Customer the opportunity to provide written comments to the Transmission Provider on the upgrades required for interconnection; (5) revised the *pro forma* SGIP and the *pro forma* SGIA to specifically include energy storage devices; and (6) clarified certain sections of the *pro forma* SGIP and the *pro forma* SGIA.

With these modifications, the Commission concluded that the package of reforms adopted in Order No. 792 will reduce the time and cost to process small generator interconnection requests for Interconnection Customers and Transmission Providers, maintain reliability, increase energy supply, and remove barriers to the development of new energy resources.

Type of Respondents: Jurisdictional transmission service providers.

Estimate of Annual Burden:[11] Based on filings received in 2013 and the increased burden from Order No. 792, the Commission estimates the total Public Reporting Burden for this information collection as:

FERC–516A (STANDARDIZATION OF SMALL GENERATOR INTERCONNECTION AGREEMENTS AND PROCEDURES)

Requirements[12]	Number of respondents annually (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response[13] (4)	Total annual burden hours & total annual cost (3) × (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Maintenance of Documents—Transmission Providers	46	1	46	1 $72.73	46 $3,345.58	$72.73
Filing of Agreements—Transmission Providers	95	1	95	25 $1,818.25	2,375 $172,733.75	$1,818.25
Pre-Application Report—Interconnection Customers[14]	800	1	800	1 $72.73	800 $58,184	$72.73
Pre-Application Report—Transmission Providers	142	5.63	800	2.5 $181.83	2,000 $145,460	$1,024.37
Supplemental Review—Interconnection Customers	500	1	500	0.5 $35.37	250 $18,182.50	$36.37
Supplemental Review—Transmission Providers	142	3.52	500	20 $1,454.60	10,000 $727,300	$5,121.83
Review of Required Upgrades—Interconnection Customers	250	1	250	1 $72.73	250 $18,182.50	$72.73
Review of Required Upgrades—Transmission Providers	142	1.76	250	2 $145.46	500 $36,365	$256.09
Totals			3,241		16,221 $1,179,753.33	

[9] SEIA Petition at 12.

[10] *Id.* at 4 (explaining that solar generation occurs only during daylight hours when peak load typically occurs, and solar photovoltaic technology utilizes inverters with built-in functions that protect the safety and reliability of the electric system).

[11] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[12] All of the requirements for transmission providers is mandatory. All of the requirements for interconnection customers is voluntary.

[13] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $71.42 per Hour = Average Cost per Response. This figure is the average of the salary plus benefits for an attorney, consultant (engineer), engineer, and administrative staff. The wages are derived from the Bureau of Labor and Statistics at *http://bls.gov/oes/current/naics3_221000.htm* and the benefits figure from *http://www.bls.gov/news.release/ecec.nr0.htm*.

[14] We assume each request for a pre-application report corresponds with one Interconnection Customer.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08754 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14604–000]

Green Energy Storage Corp; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 18, 2014, Green Energy Storage Corp filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Ajo Pumped Storage Project to be located off stream near the city of Ajo, Arizona. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed 150-megawatt closed loop pumped storage project would use the 1,200 feet of available head between a new upper reservoir and an existing open pit mine. The project consists of the following: (1) A new 35-foot-high upper dam with a total crest length of 6,000 feet, impounding an upper reservoir with a maximum storage of 1,300 acre-feet; (2) an existing open pit mine lower reservoir, with a maximum storage of 1,500 acre-feet; (3) a penstock connecting the two reservoirs consisting of a 200-foot-long, 12-foot-diameter steel pipe and a 1,150-foot-long, 12-foot-diameter vertical shaft; (4) two 75-megawatt pump/turbines; (5) a 2,200-foot-long, 14-foot-diameter draft tube, extending from the turbines to the lower reservoir; (6) a new 115-kilovolt (kV) transmission line extending about 36 miles from the project's substation to an existing 115-kV transmission line owned by Arizona Public Service; and (7) appurtenant facilities. The estimated average energy production of the project would be 400 gigawatt hours.

Applicant Contact: Charles Gresham, Green Energy Storage Company, 14747 N 87th Ln., Peoria, AZ 85381, Telephone (602) 478–9161

FERC Contact: Jim Fargo; phone: (202) 502–6095.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14604–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14604) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: April 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08667 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–4–001]

Texas Eastern Transmission, LP; Notice of Application

Take notice that on April 7, 2014, Texas Eastern Transmission, (Texas Eastern), having its principal place of business at 5400 Westheimer Court, Houston, Texas, 77056, filed an application in Docket No. CP14–4–001 pursuant to Section 7(b) and Section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations, for a certificate of public convenience and necessity to construct its Emerald Longwall Mine Project. On October 10, 2013, Texas Eastern filed an application for a certificate of public convenience and necessity (Docket No. CP14–4–000), and had received an Order Issuing Certificate and Approving Abandonment on January 29, 2014. The January 29 Order authorized the excavation, elevation, replacement and abandonment of certain pipeline and appurtenant facilities due to the anticipated longwall mining activities of Panel D1 of Emerald Coal Resources, LP's (Emerald) coal mine in Greene County, Pennsylvania.

Emerald has since informed Texas Eastern that, in addition to Panel D1, mining activities are now anticipated at Emerald's Panel D2 and are expected to impact Texas Eastern beginning the first quarter of 2015. The Texas Eastern facilities to be impacted by potential ground subsidence resulting from longwall mining activities at Panel D2 are sections of the same pipelines, immediately east of Lines 1, 2, 10, 15 and 25, that were described in the January 29 Order related to Panel D1. Texas Eastern proposes to excavate, elevate, replace, and/or abandon by removal certain sections of five different pipelines and appurtenant facilities located in Greene County, Pennsylvania, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Lisa A. Connolly, General Manager, Rates

and Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas, 77251, or by calling (713) 627–4102 (telephone) or (713) 627–5947 (fax) *laconnolly@spectraenergy.com.*

Pursuant to section 157.9 of the Commission's regulations, 18 CFR 157.9, within 90 days of this Notice, the Commission's staff will either complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission's staff issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to reach a final decision on a request for federal authorization within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: 5:00 p.m. Eastern Time on May 2, 2014.

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08749 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 13948–002; 13994–002]

Public Utility District No. 1 of Snohomish County; Notice of Applications Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, Recommendations, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major Licenses

b. *Project Nos.:* 13948–002 and 13994–002

c. *Date filed:* August 1, 2013

d. *Applicant:* Public Utility District No. 1 of Snohomish County (Snohomish PUD)

e. *Name of Projects:* Calligan Creek Hydroelectric Project and Hancock Creek Hydroelectric Project

f. *Location:* The Calligan Creek Hydroelectric Project would be located on Calligan Creek and the Hancock Creek Hydroelectric Project would be located on Hancock Creek. Both are located in King County, approximately 9 miles northeast of North Bend, Washington, and would not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Kim D. Moore, P.E., Assistant General Manager of Generation, Water and Corporate Services; Public Utility District No. 1 of Snohomish County, 2320 California Street, P.O. Box 1107, Everett, WA 98206–1107; (425) 783–8606; *KDMoore@snopud.com.*

i. *FERC Contact:* Kelly Wolcott; (202) 502–6480; *kelly.wolcott@ferc.gov.*

j. *Deadline for filing motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket numbers P–13948–002 and/or P–13994–002.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the

official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis. Note: Based on review of the comments in response to this notice, the Commission may issue a single EA. Likewise, if a draft EA is issued and no substantive comments are received on it, the Commission may decide that a final EA is not necessary, in which case the draft EA will become the final EA.

l. The Calligan Creek Hydroelectric Project would consist of the following new facilities: (1) An approximately 127-foot-long diversion structure traversing Calligan Creek consisting of: (a) A 45-foot-long, 8-foot-high spillway with a 22-inch-long, 7-inch-deep crest slot, (b) a 40-foot-long, 14-foot-high left wingwall, and (c) a 42-foot-long, 14-foot-high right wingwall; (2) an approximately 85-foot-long rockfill ramp located downstream of and adjacent to the spillway; (3) a 1.04-acre-foot impoundment; (4) a 25-foot-wide, 14-foot-high, 53-foot-long intake equipped with a trashrack, a 220-square-foot angled fish screen with 0.125-inch-wide openings, and a sluice gate; (5) a 1.2-mile-long, approximately 41- to 45-inch-diameter buried penstock; (6) a powerhouse containing a single 6-megawatt (MW) two-jet horizontal-shaft Pelton turbine/generator; (7) a 13-foot-wide, approximately 135-foot-long rip-rap-lined tailrace channel with a 2-foot vertical drop and concrete apron near its confluence with Calligan Creek; (8) two access roads totaling approximately 700 feet long; (9) a 2.5-mile-long, 34.5-kilovolt (kV) buried transmission line connecting to the existing Black Creek Hydroelectric Project (P–6221) switching vault; and (10) appurtenant facilities. The project is estimated to generate an average of 20,700 megawatt-hours (MWh) annually.

The Hancock Creek Hydroelectric Project would consist of the following new facilities: (1) An approximately 130-foot-long diversion structure traversing Hancock Creek, consisting of: (a) A 45-foot-long, 6-foot-high spillway with a 56-inch-long, 7-inch-deep crest slot, (b) a 36-foot-long, 12-foot-high left wingwall, and (c) a 49-foot-long, 12-foot-high right wingwall; (2) an approximately 55-foot-long rockfill ramp located downstream of and adjacent to the spillway; (3) a 0.65-acre-foot impoundment; (4) a 25-foot-wide, 12-foot-high, 53-foot-long intake with a trashrack, a 220-square-foot angled fish screen with 0.125-inch-wide openings, and a sluice gate; (5) a 1.5-mile-long, approximately 39- to 44-inch-diameter buried penstock; (6) a powerhouse containing a single 6–MW two-jet horizontal-shaft Pelton turbine/generator; (7) a 13-foot-wide, approximately 150-foot-long rip-rap-lined tailrace channel with a 2-foot vertical drop and concrete apron near its confluence with Hancock Creek; (8) two existing logging roads totaling 1,210 feet long; (9) three new access roads totaling 1,220 feet long; (10) a 0.3-mile-long, 34.5-kV buried transmission line connecting to the existing Black Creek Hydroelectric Project (P–6221) switching vault; and (11) appurtenant facilities. The project is estimated to generate an average of 22,100 MWh annually.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR4.34(b) and 385.2010.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: April 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08666 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–125–000]

American Midstream, LLC (Midla); Notice of Application

Take notice that on March 28, 2014, American Midstream, LLC (Midla), 1400 16th Street, Suite 310, Denver, CO 80202, filed an application under section 7(b) of the Natural Gas Act to abandon its jurisdictional pipeline and related services. Additionally Midla requests a jurisdictional determination and expedited procedures. Specifically, Midla proposes to: (1) Abandon in place approximately 355 miles of 16-22-inch diameter pipelines and associated laterals from the Desiard Compressor Station in Ouachita Parish, Louisiana to a point near Scottlandville in East Baton Rouge Parish, Louisiana; (2) abandon by removal three natural gas mainline compressor sites; and (3) abandon by removal 40 meter stations and 57 valve sites associated with the pipeline. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding the Midla Pipelines Gas Abandonment Project should be directed to Dennis J. Kelly, Senior Counsel, American Midstream, LLC, 1400 16th Street, Suite 310, Denver, CO 80202 or at (720) 457–6076 (phone).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on May 2, 2014.

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08751 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–129–000]

Mojave Pipeline Company, L.L.C., Kern River Gas Transmission Company; Notice of Application

Take notice that on March 31, 2014, Mojave Pipeline Company, L.L.C. (Mojave) on the behalf of itself and Kern River Gas Transmission Company (Kern River), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP14–129–000, an application pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations, authorizing its Line No. 1901 Replacement Project in Kern County, California. Specifically, Mojave will replace approximately 1,825 feet of Line No. 1901 in two segments, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Francisco Tarin, Director, Regulatory Affairs, Mojave Pipeline Company, L.L.C., P.O. Box 1087, Colorado Springs, Colorado 80944, phone: (719) 667–7517, fax: (719) 520–4697 or Mark A. Minich,

Assistant General Counsel, Mojave Pipeline Company, L.L.C., P.O. Box 1087, Colorado Springs, Colorado 80944, phone: (719) 520–4416, fax: (719) 520–4415.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on April 24, 2014.

Dated: April 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08669 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR14–28–000]

CITGO Petroleum Corporation v. Enterprise TE Products Pipeline Company LLC; Notice of Complaint

Take notice that on April 11, 2014, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedures, 18 CFR 385.206 (2013); sections 343.1 and 343.2 of the Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.1 and 343.2 (2013); and sections 1(4), 1(6), 8, 13(1), 15(1), and 16(1) of the Interstate Commerce Act (ICA), 49 U.S.C. 1(4), 1(6), 8, 13(1), 15(1), and 16(1), CITGO Petroleum Corporation (CITGO or Complainant) filed a complaint against Enterprise TE Products Pipeline Company LLC (Enterprise TEPPCP or Respondent), challenging the lawfulness of Enterprise TEPPCP's FERC Tariff No. 55.28.0, which cancels interstate transportation service for Ultra-Low Sulphur Diesel (USLD) fuel. CITGO alleges that Enterprise TEPPCO's cancellation of interstate transportation of USLD violates the ICA and the Order issued by the Commission on May 31, 2013.[1]

The Complainant certifies that copies of the complaint were served on the contacts for the Respondents as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 1, 2014.

[1] *Enterprise TE Products Pipeline Company, LLC,* 143 FERC ¶ 61,197 (2013).

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08755 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–38–000]

Sunflower Electric Power Corporation v. Kansas Municipal Energy Agency Southwest Power Pool, Inc.; Notice of Complaint

Take notice that on April 10, 2014, Sunflower Electric Power Corporation (Complainant) filed a formal complaint against Kansas Municipal Energy Agency (KMEA) and Southwest Power Pool, Inc. (SPP) (collectively, Respondents) pursuant to sections 206, 306, and 309 of the Federal Power Act (FPA), 16 U.S.C. 824(e), 825(e), and 825(h) (2013) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedures, 18 CFR 385.206 (2013), alleging that the Respondents have violated the SPP Open Access Transmission Tariff, other SPP rules, and the Commission's rules and regulations under the Federal Power Act, as more fully explained in the Complaint.

The Complainant certifies that copies of the complaint were served on the contacts for the Respondents as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 30, 2014.

Dated: April 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08671 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–39–000]

Upper Peninsula Power Company, Integrys Energy Group, Inc., Balfour Beatty Infrastructure Partners GP Limited; Notice of Petition for Declaratory Order

Take notice that on April 10, 2014, Upper Peninsula Power Company (UPPCO), Integrys Energy Group, Inc. (Integrys), and Balfour Beatty Infrastructure Partners GP Limited (BBIP GP), filed a petition for declaratory order requesting that the Commission declare that the proposed transfer of UPPCO's indirect interest in American Transmission Company to UPPCO's direct parent Integrys, as more fully described in the petition, will not violate section 305(a) of the Federal Power Act.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s).

For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 12, 2014.

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08753 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–88–000; Docket No. CP14–100–000]

Tennessee Gas Pipeline Company, L.L.C.; National Fuel Gas Supply Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Niagara Expansion Project and Northern Access 2015 Project, and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of two related projects proposed by Tennessee Gas Pipeline Company, L.L.C. (TGP) and National Fuel Gas Supply Corporation (National Fuel). TGP's Niagara Expansion Project would involve construction and operation of facilities in Chautaugua and Erie Counties, New York and Mercer County, Pennsylvania. National Fuel's Northern Access 2015 Project would involve construction and operation of facilities

in Cattaraugus and Erie Counties, New York. The Commission will use this EA in its decision-making process to determine whether the projects are in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the projects. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on May 12, 2014.

This notice is being sent to the Commission's current environmental mailing list for these projects. State and local government representatives are asked to notify their constituents of these planned projects and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the projects, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

TGP and National Fuel provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?''. This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Projects

TGP proposes to construct and operate 3.1 miles of natural gas pipeline loop [1] and modifications at two existing compressor stations and one existing meter station, and other appurtenant facilities. The Niagara Expansion Project would provide TGP with 140,000 dekatherms per day of leased capacity from National Fuel. According to TGP and National Fuel, their projects would increase natural gas delivery capacity in the northeast region of the U.S.

TGP proposes to construct pipeline facilities and modify existing compressor and meter station facilities to lease capacity from National Fuel. The Niagara Expansion Project would consist of the following facilities:

- 3.1 Miles of 30-inch-diameter natural gas looping pipeline in Chautauqua County, New York;
- modifications to piping at Compressor Station 219 in Mercer County, Pennsylvania;
- modifications to piping and installation of a new pig launcher at existing Compressor Station 224 in Chautauqua County, New York; and
- modifications to the existing Hamburg Meter Station in Erie County, New York.

National Fuel proposes to construct compression and metering facilities to provide the proposed leased capacity to TGP. The Northern Access 2015 Project would consist of the following facilities:

- a new 15,400 horsepower compressor station in Cattaraugus County, New York;
- 7,700 horsepower of additional compression ancillary facilities at the existing Concord Compressor Station in Erie County, New York; and
- modifications to allow for bi-directional flow at the existing East Eden Station in Erie County, New York.

The general locations of the projects' facilities are shown in appendix 1.[2]

Land Requirements for Construction

TGP's project would disturb approximately 86 acres of land for the aboveground facilities and the pipeline. Following construction, about 18 acres would be maintained for permanent operation of the project's facilities; the remaining acreage would be restored and allowed to revert to former uses. The entire proposed pipeline route parallels TGP's existing pipeline right-of-way.

National Fuel's project would disturb approximately 39 acres of land for the aboveground facilities. Following construction, about 18 acres would be maintained for permanent operation of the project's facilities; the remaining acreage would be restored and allowed to revert to former uses. National Fuel's proposed facilities would be constructed adjacent to existing aboveground facilities and/or pipeline facilities.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed projects under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife, including migratory birds;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate reasonable alternatives to the proposed projects or portions of the projects, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to environmental issues of these projects to formally cooperate with us in the preparation of the EA.[4] Agencies that

[1] A pipeline loop is constructed parallel to an existing pipeline to increase capacity.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency

Continued

would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the projects' potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the projects develop. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for these projects will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the projects. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before May 12, 2014.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP14–88–000 and CP14–100–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You may file your comments electronically by using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister*.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You may file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the projects. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed projects.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the projects is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP14–88 or CP14–100). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08750 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2179–043]

Merced Irrigation District; Notice of Environmental Site Review

Take notice that the following hydroelectric applications have been filed with Commission and are available for public inspection:

a. *Type of Application:* New License.

b. *Project No.:* 2179–043.

c. *Date filed:* February 27, 2012.

d. *Applicant:* Merced Irrigation District (Merced ID).

e. *Name of Project:* Merced River Hydroelectric Project.

f. *Location:* The existing project is located on the Merced River in Merced and Mariposa counties, California. The project would occupy 3,152.9 acres of federal land managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Merced Irrigation District, P.O. Box 2288, Merced, CA 95344; Telephone (209) 722–5761.

i. *FERC Contact:* Matt Buhyoff, (202) 502–6824 or *matt.buhyoff@ferc.gov.*

Environmental Site Review

The Applicant and FERC staff will conduct a project Environmental Site Review of this project and the adjacent Merced Falls project (FERC No. 2467) beginning at 7:00 a.m. on May 1, 2014. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the Merced ID offices located at 744 West 20th Street in Merced, California. All participants are responsible for their own transportation to the site. Anyone with questions about the Environmental Site Review should contact Mr. James Lynch at 916–679–8740.

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08748 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2467–020]

Merced Irrigation District; Notice of Environmental Site Review

Take notice that the following hydroelectric applications have been filed with Commission and are available for public inspection:

a. *Type of Application:* New License.

b. *Project No.:* 2467–020.

c. *Date filed:* February 8, 2012.

d. *Applicant:* Pacific Gas and Electric Company (PG&E).

e. *Name of Project:* Merced Falls Hydroelectric Project.

f. *Location:* The existing project is located on the Merced River on the border of Merced and Mariposa counties, California, immediately downstream of the Merced River Hydroelectric Project (FERC No. 2179), operated by the Merced Irrigation District (Merced ID). The project would occupy 1.62 acres of Federal land managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Pacific Gas and Electric Company, Power Generation, P.O. Box 770000, MC N11C, San Francisco, CA 94177–0001; Telephone (415) 973–70001.

i. *FERC Contact:* Matt Buhyoff, (202) 502–6824 or *matt.buhyoff@ferc.gov.*

Environmental Site Review

The Applicant and FERC staff will conduct a project Environmental Site Review of this project and the adjacent Merced River project (FERC No. 2179) beginning at 7:00 a.m. on May 1, 2014. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the Merced Irrigation District's offices located at 744 West 20th Street in Merced, California. All participants are responsible for their own transportation to the site. Anyone with questions about the Environmental Site Review should contact Mr. Alan Soneda at 415–973–4054.

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08757 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 7518–015; 7518–016; 7518–018]

Erie Boulevard Hydropower, L.P., and St. Regis Mohawk Tribe; Notice of Teleconference To Discuss Options for Proceeding With Joint Application for Transfer of License and Application for Surrender of License and Decommissioning Project

a. *Date and Time of Teleconference:* May 7, 2014 at 1:00 p.m. Eastern Time.

b. *FERC Contact:* Patricia W. Gillis, 202–502–8735 or *patricia.gillis@ferc.gov.*

c. *Purpose of teleconference:* To discuss issues and options for proceeding with recent filings requesting transfer and surrender of the license for the Hogansburg Hydroelectric Project No. 7518, including the possibility of a non-power license for the project. The Hogansburg Project is located on the St. Regis River in Franklin County, New York.

d. *Background and related filings:* On September 30, 2013, Erie Boulevard Hydropower, L.P. (Erie) filed an application for a subsequent license for the Hogansburg Project. On November 19, 2013, the Commission issued a notice of application accepted for filing, soliciting motions to intervene and protests, ready for environmental analysis, and soliciting comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions. On November 27, 2013, Erie and the Saint Regis Mohawk Tribe (Tribe) filed a joint application for transfer of the project license to the Tribe and a motion to suspend the ongoing relicensing proceeding. That same day, the Tribe (as a presumed transferee) filed an application for surrender of the license and decommissioning and removal of the dam. On December 30, 2013, Commission staff granted the request to suspend the relicensing proceeding pending a determination on the license transfer and surrender applications. The Commission has not yet accepted the transfer and surrender applications for filing or issued notices seeking public comment on them.

On March 7, 2014, the Tribe filed an offer of settlement in support of the joint application for transfer of the license to the Tribe and the Tribe's application for surrender of the license and decommissioning and removal of the dam. Parties to the settlement are the New York State Department of Environmental Conservation, U.S. Department of the Interior's Fish and Wildlife Service and Bureau of Indian Affairs, New York State Council of Trout Unlimited, and the Tribe. Erie is not a party to the settlement.

e. All local, state, and federal agencies, Indian tribes, and other interested entities are invited to participate in the conference by phone. If interested in participating, please contact Patricia Gillis at the above email address for information on the telephone number and access code for the conference call.

f. FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

Dated: April 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08668 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–131–000]

WBI Energy Transmission, Inc.; Notice of Request Under Blanket Authorization

Take notice that on April 1, 2014, WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58501, filed a prior notice application pursuant to sections 157.205 and 157.211 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and WBI Energy's blanket certificate issued in Docket No. CP82–487–000, for authorization to construct and operate delivery point facilities in Stark County, North Dakota. Specifically, WBI Energy seeks authority to construct, own and operate a new meter station that will provide up to 9.744 million cubic feet (MMcf) per day of natural gas service to Dakota Prairie Refining, LLC. Additionally, WBI Energy proposes to relocate the existing Dickson West town border station (Dickson West TBS) and purchase approximately 6,300 feet of existing steel natural gas pipeline from Montana-Dakota (DPR Lateral), all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Keith A. Tiggelaar, Director of Regulatory Affairs, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, or (701)-530–1560 or by email *keith.tiggelaar@wbienergy.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: April 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08752 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–130–000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

Take notice that on April 1, 2014, Equitrans, L.P., (Equitrans), 625 Liberty Avenue, Suite 1700, Pittsburgh, Pennsylvania 15222, filed in Docket No. CP14–130–000, a prior notice request pursuant to sections 157.205, 157.208, and 157.210 of the Commission's regulations under the Natural Gas Act for authorization to construct its proposed H–305 Project located in Greene County, Pennsylvania. Equitrans proposes to install its new H–305 pipeline, which consist of approximately 3.4 miles of 24-inch diameter pipe, extending from Equitrans' interconnect with EQT Gathering LLC's Jupiter Compressor Station to Equitrans' existing Braden Run Interconnect. This project will help expand the Mainline System by up to 50,000 Dth per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Paul W. Diehl, Senior Counsel—Midstream, EQT Corporation, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, or by calling (412) 395–5540, or by email *pdiehl@eqt.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be

authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: April 10, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–08670 Filed 4–16–14; 8:45 am]

BILLING CODE 6717–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2014–0026]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088650XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

DATES: Comments must be received on or before May 12, 2014 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *WWW.REGULATIONS.GOV.* To submit a comment, enter EIB–2014–0026 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2014–0026 on any attached document.

Reference: AP088650XX.

Purpose and Use

Brief description of the purpose of the transaction:

To support the export of U.S.-manufactured aircraft and engines.

Brief non-proprietary description of the anticipated use of the items being exported:

To provide air cargo services globally.

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties

Principal Supplier: The Boeing Company and General Electric.

Obligor: Air China Cargo.

Guarantor(s): Cathay Pacific Airways Limited.

Description of Items Being Exported

Boeing 777 aircraft.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Kalesha Malloy,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2014–08618 Filed 4–16–14; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information

collection burden on small business concerns with fewer than 25 employees.

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

DATES: Written PRA comments should be submitted on or before May 19, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Leslie Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov*. To submit your PRA comments by email, please send them to: *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Leslie Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), at 202–418–0217, or via the Internet at: *Leslie.Smith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Rates for Inmate Calling Services Data Collection.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for profit.

Number of Respondents and Responses: 25 respondents; 25 responses.

Estimated Time per Response: 90 hours.

Frequency of Response: One-time reporting requirement and one-time recordkeeping requirement.

Obligation to Respond: Required to obtain or maintain benefits.

Total Annual Burden: 2,250 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impacts.

Nature and Extent of Confidentiality: The Commission anticipates providing confidential treatment for proprietary information submitted by ICS providers. Parties that comply with the terms of a protective order for the proceeding will have an opportunity to comment on the data.

Needs and Uses: The Commission's Report and Order and Further Notice of Proposed Rulemaking, *Rates for Interstate Inmate Calling Services,* in WC Docket No. 12–375, FCC 13–113 (78 FR 67956), required that all inmate calling service (ICS) providers comply with a one-time mandatory data collection. The Report and Order requires ICS providers to submit data on the costs of providing interstate, intrastate toll, and local ICS. Data required to be submitted include data on the costs of telecommunications service, interconnection fees, equipment investment, installation and maintenance, security, ancillary services, and other costs. Providers will also be required to provide certain related rate, demand, and forecast data. The data will be used to inform the Commission's evaluation of rate reform options in the FNPRM, to enable the Commission to transition from interim rate reform to permanent rate reform, and to enable the Commission to discharge its core responsibility of ensuring just, reasonable and fair rates as required by sections 201 and 276 by ensuring ICS rates are just, reasonable, and fair pursuant to sections 201(b) and 276 of the Communications Act of 1934, as amended.

Federal Communications Commission.

Marlene H. Dortch,

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

[FR Doc. 2014–08736 Filed 4–16–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission

DATE AND TIME: *Tuesday April 22, 2014 AT 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC.

STATUS: This Meeting Will Be Closed To The Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and internal rules and practices.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2014–08912 Filed 4–15–14; 4:15 pm]

BILLING CODE 6715–01–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 12, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Southern Missouri Bancorp, Inc.,* Poplar Bluff, Missouri; to merge with Peoples Service Company, and thereby indirectly acquire Peoples Bank of the Ozarks, both in Nixa, Missouri.

Board of Governors of the Federal Reserve System, April 14, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–08737 Filed 4–16–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Global Affairs: Stakeholder Listening Session in Preparation for the 67th World Health Assembly

Time and date: May 9, 2014, 12:00–1:30 p.m. EST.

Place: Willow Conference Room, Thomas P. O'Neill Federal Building, 200 C St. SW., Washington, DC 20024.

Status: Open, but requiring RSVP to *OGA.RSVP@hhs.gov.*

Purpose

The U.S. Department of Health and Human Services (HHS)—charged with leading the U.S. delegation to the 67th World Health Assembly—will hold an informal Stakeholder Listening Session on *Friday, May 9, 12:00–1:30 p.m.,* in the Willow Conference Room of the Thomas P. O'Neill Federal Building, 200 C St. SW., Washington, DC 20024.

The Stakeholder Listening Session will help the HHS Office of Global Affairs prepare for the World Health Assembly by taking full advantage of the knowledge, ideas, feedback, and suggestions from all communities interested in and affected by agenda items to be discussed at the 67th World Health Assembly. Your input will contribute to U.S. positions as we negotiate these important health topics with our international colleagues.

The listening session will be organized around the interests and perspectives of stakeholder communities, including, but not limited to:

- Public health and advocacy groups;
- State, local, and Tribal groups;
- Private industry;
- Minority health organizations; and
- Academic and scientific organizations.

It will allow public comment on all agenda items to be discussed at the 67th World Health Assembly: *http://apps.who.int/gb/ebwha/pdf_files/WHA67/A67_1-en.pdf.*

RSVP

Due to security restrictions for entry into the HHS Thomas P. O'Neill Federal Building, we will need to receive RSVPs for this event. Please send your full name and organization to *OGA.RSVP@hhs.gov.* If you are not a U.S. citizen, please note this in the subject line of your RSVP, and our office will contact you to gain additional biographical information for your clearance. Please RSVP no later than Friday, May 2, 2014.

Written comments are welcome and encouraged, even if you are planning on attending in person. Please send these to the same email address: *OGA.RSVP@hhs.gov.*

We look forward to hearing your comments relative to the 67th World Health Assembly agenda items.

Dated: April 7, 2014.

Jimmy Kolker,

Assistant Secretary for Global Affairs.

[FR Doc. 2014–08396 Filed 4–16–14; 8:45 am]

BILLING CODE 4150–38–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 Longitudinal Study of a Population-based Cohort of People with Lupus, Funding Opportunity Announcement (FOA) DP14–004, 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: 9:00 a.m.–6:00 p.m., EST, May 8, 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 ''Longitudinal Study of a Population-based Cohort of People with Lupus, FOA DP14–004, 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. 2014–08762 Filed 4–16–14; 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 Research to Prevent Prescription Drug Overdoses, Funding Opportunity Announcement (FOA) CE14–002, 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: 12:00 p.m.–4:00 p.m. EST, May 7, 2014 (Closed).

Place: This meeting will be held via 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 ''Research to Prevent Prescription Drug Overdoses, FOA CE14–002''.

Contact Person for More Information: Jane Suen, Dr.P.H., M.S., Scientific Review Officer, CDC, 4770 Buford Highway, NE., Mailstop F–63, Atlanta, Georgia 30341–3724, Telephone (770) 488–4281.

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. 2014–08760 Filed 4–16–14; 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 Motor Vehicle Injury Prevention: Evaluation of Increased Nighttime Enforcement of Seatbelt Use, Funding Opportunity Announcement (FOA) CE14–003, 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: 12:00 p.m.–4:00 p.m. EST, May 22, 2014 (Closed).

Place: This meeting will be held via 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 ''Motor Vehicle Injury Prevention: Evaluation of Increased Nighttime Enforcement of Seatbelt Use, FOA CE14–003''.

Contact Person For More Information: Jane Suen, Dr.P.H., M.S., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–63, Atlanta, Georgia 30341–3724, Telephone (770) 488–4281.

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. 2014–08761 Filed 4–16–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 79 FR 15593–19954, dated March 20, 2014) is amended to reflect the reorganization of the Food Safety Office, National Center for Emerging and Zoonotic Infectious Diseases.

Delete in its entirety the title and function statements for the Food Safety Office (CVL12), Office of the Director (CVL1).

After the mission statement for the Division of Foodborne, Waterborne and Environmental Diseases (CVLB), insert the following:

Food Safety Office (CVLB13). (1) Provides leadership in preventing and controlling foodborne illness by coordinating related activities within CDC and with other local, state, federal, and international organizations; (2) directs the activities related to development of long-term NCEZID, OID, and CDC strategies, policies, and budgets for foodborne disease prevention activities; (3) allocates and tracks interagency resources within CDC for foodborne disease surveillance, outbreak response, applied research, education and training; (4) administers and tracks resources for foodborne disease prevention and control activities of state and local health departments and other organizations; (5) represents NCEZID and CDC programs and prevention policies in meetings with governmental, non-governmental, private, and international organizations; (6) reviews, prepares, and coordinates congressional testimony and briefing documents related to foodborne diseases, and analyzes programmatic and policy implications of legislative proposals; and (7) provides direction and administrative support to the World Health Organization (WHO) Collaborating Center for Foodborne Disease Surveillance.

Dated: April 7, 2014.

Sherri A. Berger,

MSPH Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2014–08593 Filed 4–16–14; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 79 FR 15593–15594, dated March 20, 2014) is amended to reflect the reorganization of the Division of Healthcare Quality Promotion, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and the mission and function statements for the Division of Healthcare Quality Promotion (CVLD) and insert the following:

Division of Healthcare Quality Promotion (CVLD). The mission of the Division of Healthcare Quality Promotion (DHQP) is to protect patients; protect healthcare personnel; and promote safety, quality, and value in both national and international healthcare delivery systems. In carrying out its mission, DHQP: (1) Measures, validates, interprets, and responds to data relevant to healthcare-associated infections (HAI); antimicrobial use and resistance; adverse drug events; blood, organ and tissue safety; immunization safety; and other related adverse events or medical errors in healthcare affecting patients and healthcare personnel; (2) investigates and responds to emerging infections and related adverse events among patients and healthcare personnel; (3) develops and maintains the National Healthcare Safety Network (NHSN), a tool for monitoring healthcare-associated infections, antimicrobial use and resistance, measuring healthcare outcomes and processes, monitoring healthcare worker vaccination, and selected health measures in healthcare facilities; (4) assesses local, regional, national scope and burden of infections caused by resistant-bacteria in the U.S. through surveillance and special studies, review of national healthcare data sets, and laboratory surveillance programs; (5) conducts epidemiologic, and basic and applied laboratory research to identify new strategies to monitor and prevent infections/antimicrobial resistance, and related adverse events or medical errors, especially those associated with medical or surgical procedures, indwelling medical devices, contaminated products, dialysis, and water; (6) collaborates with academic and public health partners to design, develop, and evaluate new approaches to monitoring infections and the efficacy of interventions for preventing infections and reducing antimicrobial resistance, and related adverse events or medical errors; (7) develops and disseminates evidence-based guidelines and recommendations to prevent and control HAI, antimicrobial resistance, and related adverse events or medical errors; (8) promotes the nationwide implementation of CDC guidelines and other evidence-based interventions to prevent HAI, antimicrobial resistance, and related adverse events or medical

errors among patients and healthcare personnel; (9) evaluates the impact of evidence-based recommendations and interventions across the spectrum of healthcare delivery sites; (10) serves as the Designated Federal Official for the Healthcare Infection Control Practices Advisory Committee (HICPAC); (11) serves as the National Reference Laboratory for the identification and antimicrobial susceptibility testing of staphylococci, anaerobic bacteria, non-tuberculous mycobacterial, and those gram-negative bacilli causing healthcare-associated infections; (12) serves as the technical reference laboratory for detection and characterization of other pathogens related to healthcare; and for characterizing the contribution of the healthcare environment to HAI; (13) coordinates guidance and research related to infection control across the agency and with national and international partners; (14) monitors vaccine safety and conducts research to evaluate the safety of available and new vaccines; (15) trains Epidemic Intelligence Service Officers and other trainees; (16) coordinates antimicrobial resistance activities at CDC; (17) works in a national leadership capacity with public and private organizations to enhance antimicrobial resistance prevention and control, surveillance and response, and applied research; (18) coordinates blood, organ, and other tissue safety at CDC; and (19) provides expertise and assistance to HHS and other Federal agencies and global partners on efforts and activities related to safe healthcare.

Office of the Director (CVLD1). (1) Manages, directs, and coordinates the activities of the DHQP; (2) provides leadership and guidance on policy and communications/media; (3) works with Federal agencies, international organizations, and other partners on activities related to safe healthcare; (4) coordinates state and local activities to monitor and prevent HAI; (5) coordinates, in collaboration with the appropriate CIO and CDC components, global health activities relating to the prevention of healthcare-associated infections/antimicrobial resistance, and related adverse events or medical errors; (6) coordinates activities, guidance, emergency response, and research related to infection control in healthcare settings across the agency and with national and international partners; (7) oversees the coordination of antimicrobial resistance activities at CDC; (8) represents CDC as co-chair of the Federal Interagency Task Force on Antimicrobial Resistance; (9) coordinates with other agencies, state governments, medical societies, and other public and private organizations to enhance antimicrobial resistance prevention and control, surveillance and response, and applied research; (10) leads CDC's activities on blood, organ, and other tissue safety; (11) represents CDC on the Advisory Committee on Blood Safety and Availability and the Advisory Committee on Organ Transplantation; (12) works with other Federal agencies, state governments, and other public and private organizations to enhance blood, organ, and other tissue safety through coordination of investigation, prevention, response, surveillance, applied research, health communication, and public policy; and (13) advises the Director, NCEZID, on science, policy and communication matters concerning DHQP activities.

Program Implementation and Integration Activity (CVLD13). (1) Provides leadership and guidance for program planning and development, program management, and operations; (2) provides DHQP-wide administrative and program services and coordinates or ensures coordination with the appropriate CIOs and CDC staff offices on administrative and program matters including budget formulation and execution and human resource management; (3) oversees the coordination of Federal and state programs and new initiatives to prevent HAI; (4) interprets general program and administrative policy directives for implications on management and execution of DHQP's programs; (5) serves as lead and primary contact and liaison with relevant CDC staff offices on all matters pertaining to DHQP's procurement needs and activities; (6) provides management and coordination for DHQP-occupied space and facilities including laboratory space and facilities; (7) provides oversight and management of the distribution, accountability, and maintenance of CDC property and equipment including laboratory property and equipment; and (8) provides program and administrative support for HICPAC.

Clinical and Environmental Microbiology Branch (CVLDB). (1) Leads national laboratory characterization of HAI-related threats in partnership with state and regional laboratories; (2) provides comprehensive laboratory support and expertise for investigations of recognized and emerging bacterial agents in healthcare settings; (3) provides laboratory response to outbreaks and emerging threats associated with infections/antimicrobial resistance and related adverse events throughout the healthcare delivery system; (4) develops methods to assess contamination of environmental surfaces; (5) investigates novel and emerging mechanisms of antimicrobial resistance among targeted pathogens found in healthcare settings; (6) conducts research in collaboration with partners to develop new, accurate methods of detecting antimicrobial resistance in bacteria and to improve reporting of antimicrobial susceptibility test results to physicians to improve antimicrobial use; (7) conducts laboratory research to identify new strategies to prevent infections/antimicrobial resistance, related adverse events, and medical errors, especially those associated with invasive medical devices, contaminated products, dialysis, and water; (8) maintains capacity to evaluate commercial microbial identification and antimicrobial susceptibility testing systems and products and facilitates their improvement to provide accurate patient test results; (9) investigates the role of biofilms, particularly those detected in indwelling medical devices and medical water systems, in medicine and public health, and identifies novel methods to eliminate colonization and biofilm formation on foreign bodies; (10) investigates the role of the water distribution systems in healthcare facilities in order to understand and prevent transmission of healthcare-associated infections due to water; and (11) provides expertise, research opportunities, training, and laboratory support for investigations of infections and related adverse events to other CDC National Centers and to our partners in areas related to quality clinical microbiology laboratory practices, investigation of emerging pathogens and environmental microbiology.

Prevention and Response Branch (CVLDC). Across the healthcare continuum, including acute, long-term, ambulatory, and chronic care settings: (1) Develops, promotes, and monitors implementation of evidence-based recommendations, standards, policies, strategies and related educational materials to prevent and control HAI and related adverse events, adverse drug events, and healthcare personnel safety events associated with antibiotic resistance, device and procedure associated infections, poor adherence to quality standards and safety, and emerging infectious diseases; (2) develops, promotes, and monitors implementation of and adherence to evidence-based recommendations, standards and related educational

materials, policies and strategies to increase adherence to Appropriate Antimicrobial Use and Stewardship; (3) uses data from the NHSN and other sources to target and improve the prevention and control healthcare-associated infections in the U.S. in specific regions, settings and institutions; (4) supports local, state, and national efforts to prevent HAT and related adverse events by providing leadership and consultative services, including monitoring adherence to CDC-recommended practices and policies; (5) provide leadership and epidemiologic support for the investigation, monitoring, and control of both recognized and emerging healthcare pathogens, including antimicrobial resistant forms; (6) leads and coordinates rapid response to assess and control outbreaks and emerging threats involving HAI and related adverse events, microbially-contaminated medical products and devices, and adverse drug events; (7) communicates the results of response activities with Federal and state agencies, healthcare providers, and the public, with recommendations to prevent similar adverse events in the future; (8) provides leadership and expert consultation, guidance, and technical support to and collaborates with other CDC Operating Divisions (OPDIV) Centers and Divisions, other HHS OPDIVs, and extramural domestic and international partners, on the epidemiology and prevention and control of HAI and related adverse events, adverse drug events, and healthcare personnel safety events; and (9) develops implementation strategies to utilize innovative evidence-based methods for preventing and controlling HAI and related adverse events, adverse drug events, and healthcare personnel safety events to recommendations to allow broad, effective implementation and more rapid improvement in the standard of care.

Surveillance Branch (CVLDD). (1) Monitors and evaluates on the national level the extent distribution, and impact of healthcare-associated infections, antimicrobial use and resistance, adverse drug events, healthcare worker safety events, and adherence to clinical processes and intervention programs designed to prevent or control adverse exposures or outcomes in healthcare; (2) provides services, including leadership, consultation, and analysis support, for statistical methods and analysis to investigators in the branch, division, and other organizations responsible for surveillance, research studies, and prevention and control of HAT and other healthcare-associated adverse events; (3) works with Centers for Medicare & Medicaid Services and other partners to develop new metrics and support maintenance of NQF-approved metrics; (4) collaborates with public and private sector partners to further standardize, integrate, and streamline systems by which healthcare organizations collect, manage, analyze, report, and respond to data on clinical guideline adherence, HAI, including transmission of multi-drug resistant organisms and other HAI; (5) coordinates, further develops, enables wider use, and maintains NHSN to obtain scientifically valid clinical performance indices that promote healthcare quality and value at the facility, state, and national levels; (6) development and implementation of new NHSN modules and provides enrollment and user support for NHSN; (7) improve system by utilizing new technology; (8) generates and provides NHSN surveillance reports and analyses, which include collaborative analytic projects with partners; and (9) leads CDC's national adverse drug events surveillance activities and seeks to translate population-based surveillance data into evidence-based policies and targeted, innovative and collaborative interventions.

Immunization Safety Office (CVLDE). (1) Assesses the safety of new and currently available vaccines received by children, adolescents and adults using a variety of strategies; (2) conducts ongoing surveillance for the timely detection of possible adverse events following immunization (AEFI) in collaboration with the Food and Drug Administration, through coordination and management of the Vaccine Adverse Event Reporting System, the national spontaneous reporting system that acts as an early-warning system to detect health conditions that may be associated with immunization; (3) coordinates, further develops, maintains and directs activities of the Vaccine Safety Datalink (VSD), a collaborative effort with integrated healthcare organizations, to conduct surveillance and investigate possible AEFI to assess causality and determine risk factors; (4) conducts epidemiologic research on causality of AEFI using the VSD and other data sources, provide national estimates of incidence of AEFI and background rates of health conditions; (5) leads the nation in developing biostatistical methods for research of AEFI using large linked databases and other data sources, and shares methods for use by other agencies and public and private entities; (6) conducts clinical research to identify causes of adverse events after immunization, specific populations susceptible to specific adverse events, and prevention strategies through the Clinical Immunization Safety Assessment network, a national network of medical research centers, and other efforts; (7) applies findings from epidemiologic and clinical studies to develop strategies for prevention of AEFI; (8) provides global consultation and leadership for the development, use, and interpretation of vaccine safety surveillance systems, and for the development of shared definitions of specific health outcomes through participation in the Brighton Collaboration and other international organizations; (9) provides data for action to HHS, the Advisory Committee on Immunization Practices, the Food Drug Administration's Vaccine and Related Biological Products Advisory Committee, HRSA's Advisory Commission on Childhood Vaccines, and collaborators around the globe including the World Health Organization Global Advisory Committee on Vaccine Safety; and (10) provides timely, accurate communication and education to partners and the public on vaccine safety concerns.

Epidemiology Research and Innovations Branch (CVLDG). (1) Develops and evaluates the efficacy of interventions to prevent HAI and related adverse events or medical errors across the spectrum of healthcare delivery sites including acute and longterm inpatient care, dialysis, and ambulatory settings; (2) conducts and supports research and evaluates impact of public health practices to prevent HAIs and related adverse events and monitors progress in reaching national prevention goals; (3) identifies gaps in HAI-health entities for specific interventions and prevention strategies designed to safeguard patients and healthcare workers from risk exposures and adverse outcomes through collaborations with extramural partners; (5) conducts applied research to identify and develop innovative methods to detect and monitor HAI and antimicrobial resistance; (6) conducts special studies to identify key risk factor for and provides national estimates of targeted, healthcare-associated adverse events, antimicrobial use and resistance patterns, and the extent to which prevention and control safeguards are in use to protect at-risk patients across the spectrum of healthcare delivery sites; (7) develops new ways to assess the impact of HAI prevention programs; (8) conducts analysis of the return on investment and costs related to

prevention efforts and impact of HAI prevention programs; and (9) works with the Emerging Infections Program and other partners to identify emerging issues.

Dated: April 7, 2014.

Sherri A. Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2014–08551 Filed 4–16–14; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–5506–N4]

Medicare Program; Comprehensive ESRD Care Initiative; Extension of the Submission Deadlines for the Letters of Intent and Applications

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Reopening of the application period.

SUMMARY: This notice reopens the application period and provides information on new dates for the submission of the Comprehensive ESRD Care initiative letters of intent and application. The letter of intent submission date for End-stage Renal Disease Seamless Care Organizations (ESCOs) that include a dialysis facility from a large dialysis organization (LDO) is June 23, 2014, and the submission deadline for the LDO application is June 23, 2014. The letter of intent submission date for ESCOs that include a non-LDO facility is September 15, 2014, and the submission deadline for the non-LDO application is September 15, 2014.

DATES: *Letter of Intent Submission Deadline:* Interested large dialysis organizations (LDOs) must submit a non-binding letter of intent on or before June 23, 2014, and interested non-large dialysis organizations (non-LDOs) must submit a non-binding letter of intent on or before September 15, 2014, by an online form at: *http://innovationgov.force.com/cec.*

Application Submission Deadline: Interested LDO applicants must submit an application on or before June 23, 2014, and interested non-LDO applicants must submit an application on or before September 15, 2014, by an online form at: *http://innovationgov.force.com/rfa.*

An updated Request for Applications which includes the new submission deadlines and additional updates is available on the Innovation Center Web site at: *http://innovation.cms.gov/initiatives/comprehensive-ESRD-care.*

FOR FURTHER INFORMATION CONTACT: Alefiyah Mesiwala, (410) 786–2224 or *ESRD-CMMI@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Center for Medicare and Medicaid Innovation (Innovation Center) is interested in identifying models designed to improve care for beneficiaries with end-stage renal disease (ESRD). To promote seamless and integrated care for beneficiaries with ESRD, we are developing a comprehensive care delivery model to emphasize coordination of a full-range of clinical and non-clinical services across providers, suppliers, and settings. Through the Comprehensive ESRD Care Model, we seek to identify ways to improve the coordination and quality of care for this population, while lowering total per-capita expenditures to the Medicare program. We anticipate that the Comprehensive ESRD Care Model would result in improved health outcomes for beneficiaries with ESRD regarding the functional status, quality of life, and overall well-being, as well as increased beneficiary and caregiver engagement, and lower costs to Medicare through improved care coordination.

On February 6, 2013, we published a notice in the **Federal Register** announcing a request for applications from organizations to participate in the testing of the Comprehensive ESRD Care Model, for a period beginning in 2013 and ending in 2016, with a possible extension into subsequent years. In that notice, we stated that organizations interested in applying to participate in the testing of the Comprehensive ESRD Care Model must submit a non-binding letter of intent by March 15, 2013, and an application by May 1, 2013.

Several stakeholders requested additional time to prepare their applications and form partnerships. Therefore, the Innovation Center extended the deadlines relating to the Comprehensive ESRD Care initiative. On July 17, 2013, we published a notice in the **Federal Register** announcing an extension of deadlines. The new deadlines were July 19, 2013 for the Letter of Intent and August 1, 2013 for the application. On August 9, 2013, we published an additional notice in the **Federal Register** announcing an extension of deadlines. The notice reopened the Letters of Intent submission period and extended the deadlines for submission of both the Letters of Intent and the Applications to August 30, 2013.

II. Provisions of the Notice

Since the publication of the August 9, 2013 notice, we have made several revisions to the design of the Comprehensive ESRD Care initiative. Therefore, for the Comprehensive ESRD Care Initiative, the Innovation Center is reopening the Letters of Intent submission period and extending the deadlines for submission of both the Letters of Intent and the Applications. The new deadline for submission of the letter of intent is June 23, 2014 for LDO applicants and September 15, 2014 for non-LDO applicants; and the new deadline for submission of the application is June 23, 2014, for LDO applicants and September 15, 2014 for non-LDO applicants.

In the **DATES** section of this notice, we are including the new submissions deadlines. For additional information on the Comprehensive ESRD Care Model, and how to apply, we refer the reader to click on the Request for Applications located on the Innovation Center Web site at: *http://innovation.cms.gov/initiatives/comprehensive-ESRD-care.*

Dated: April 11, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–08758 Filed 4–15–14; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: OCSE–157 Child Support Enforcement Program Annual Data Report.

OMB No.: 0970–0177.

Description: The information obtained from this form will be used to: (1) Report Child Support Enforcement activities to the Congress as required by law; (2) calculate incentive measures performance and performance indicators utilized in the program; and (3) assist the Office of Child Support Enforcement (OCSE) in monitoring and evaluating State Child Support programs.

OCSE is proposing minor updates to the OCSE–157 report instructions to update submission procedures. Respondents will no longer have the

option to submit hardcopy reports. The reports can only be submitted electronically by using the Online Data Collections (OLDC) system.

Respondents: State, Local or Tribal Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
OCSE–157	54	1	7	378

Estimated Total Annual Burden Hours: 378.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–08674 Filed 4–16–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration for Native Americans; Notice of Meeting

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of Tribal Consultation.

SUMMARY: The Department of Health and Human Services (HHS), Administration for Children and Families (ACF) will host a Tribal Consultation to consult on ACF programs and tribal priorities.

DATES: June 16, 2014.

ADDRESSES: Doubletree Crystal City, 300 Army Navy Drive, Arlington, VA 22202–2891.

FOR FURTHER INFORMATION CONTACT: Lillian Sparks Robinson, Commissioner, Administration for Native Americans at 202–401–5590, by email at *Lillian.sparks@acf.hhs.gov*, or by mail at 370 L'Enfant Promenade SW., 2 West, Washington, DC 20447.

SUPPLEMENTARY INFORMATION: On November 5, 2009, President Obama signed the ''Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation.'' The President stated that his Administration is committed to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications, including, as an initial step, complete and consistent implementation of Executive Order 13175.

The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and are responsible for strengthening the government-to-government relationship between the United States and Indian tribes.

HHS has taken its responsibility to comply with Executive Order 13175 very seriously over the past decade, including the initial implementation of a Department-wide policy on Tribal consultation and coordination in 1997, and through multiple evaluations and revisions of that policy, most recently in 2010. ACF has developed its own agency-specific consultation policy that complements the Department-wide efforts.

ACF's Administration for Native Americans will hold a consultation on June 16, 2014. ACF Principals will be available to speak with Tribal Leaders to discuss issues important to the tribes and will focus on ACF tribal program priorities. To help all participants to prepare for this consultation, planning teleconference calls will be held on:

Wednesday, May 14, 2014, 3:00 p.m.–4:00 p.m. Eastern Time
Wednesday, May 21, 2014, 3:00 p.m.–4:00 p.m. Eastern Time
Wednesday, May 28, 2014, 3:00 p.m.–4:00 p.m. Eastern Time

The call-in number is: 866–769–9393. The passcode is: 4449449#.

Testimonies are to be submitted no later than June 2, 2014, to: Lillian Sparks Robinson, Commissioner, Administration for Native Americans, 370 L'Enfant Promenade, SW., Washington, DC 20447, *anacommissioner@acf.hhs.gov*.

This session will be followed by the ACF Native American Grantee Conference, to be held June 17–19, 2014, with several workshops that we hope will prove to be informative to you and your grant program directors. The theme of this year's conference is ''Honoring Our Commitments to Native American Families and Communities: Today and Tomorrow.'' The workshop tracks are: Accessing Educational Opportunities; Economic Opportunity NOW!; Promoting Health; Supporting Governance; Promoting Hopeful, Safe, and Healthy Communities; Understanding Grants Management and

Administration; ACF—Learning from You (Listening Session). Additionally, on June 20, 2014, several program offices will hold individual meetings for the grantees they work with directly. The following offices will hold meetings: Administration for Native Americans, Children's Bureau, Family and Youth Services Bureau, Office of Child Care, and the Office of Child Support Enforcement.

To register for the consultation or conference, please visit: *https://www.regonline.com/acfgranteemeeting*.

Dated: April 7, 2014.

Mark H. Greenberg,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2014–08826 Filed 4–16–14; 8:45 am]

BILLING CODE 4184–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0019]

Agency Information Collection Activities; Proposed Collection; Comment Request; Customer/Partner Service Surveys

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on voluntary customer satisfaction service surveys to implement Executive Order 12862.

DATES: Submit either electronic or written comments on the collection of information by June 16, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Customer/Partner Service Surveys (OMB Control Number 0910–0360)—Extension

Under section 903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393), FDA is authorized to conduct research and public information programs about regulated products and responsibilities of the Agency. Executive Order 12862, entitled, ''Setting Customer Service Standard,'' directs Federal Agencies that ''provide significant services directly to the public'' to ''survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services.'' FDA is seeking OMB clearance to conduct a series of surveys to implement Executive Order 12862. Participation in the surveys is voluntary. This request covers customer/partner service surveys of regulated entities, such as food processors; cosmetic drug, biologic and medical device manufacturers; consumers; and health professionals. The request also covers ''partner'' (State and local governments) customer service surveys.

FDA will use the information from these surveys to identify strengths and weaknesses in service to customers/partners and to make improvements. The surveys will measure timeliness, appropriateness and accuracy of information, courtesy and problem resolution in the context of individual programs.

FDA estimates conducting 15 customer/partner service surveys per year, each requiring an average of 15 minutes for review and completion. We estimate respondents to these surveys to be between 100 and 20,000 customers. Some of these surveys will be repeats of earlier surveys for purposes of monitoring customer/partner service and developing long-term data.

FDA estimates the burden of this collection of information as follows:

Type of survey	Number of respondents	Annual frequency per response	Hours per response	Total hours
Mail, telephone, Web-based	50,000	1	0.25	12,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08709 Filed 4–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0120]

Agency Information Collection Activities; Proposed Collection; Comment Request; Cosmetic Labeling Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection provisions in FDA's cosmetic labeling regulations.

DATES: Submit either electronic or written comments on the collection of information by June 16, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, we are publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Cosmetic Labeling Regulations—21 CFR Part 701 (OMB Control Number 0910–0599)—Extension

The Federal Food, Drug, and Cosmetic Act (the FD&C Act) and the Fair Packaging and Labeling Act (the FPLA) require that cosmetic manufacturers, packers, and distributors disclose information about themselves or their products on the labels or labeling of their products. Sections 201, 301, 502, 601, 602, 603, 701, and 704 of the FD&C Act (21 U.S.C. 321, 331, 352, 361, 362, 363, 371, and 374, respectively) and sections 4 and 5 of the FPLA (15 U.S.C. 1453 and 1454) provide authority to FDA to regulate the labeling of cosmetic products. Failure to comply with the requirements for cosmetic labeling may render a cosmetic adulterated under section 601 of the FD&C Act or misbranded under section 602 of the FD&C Act.

FDA's cosmetic labeling regulations are published in part 701 (21 CFR part 701). Four of the cosmetic labeling regulations have information collection provisions. Section 701.3 requires the label of a cosmetic product to bear a declaration of the ingredients in descending order of predominance. Section 701.11 requires the principal display panel of a cosmetic product to bear a statement of the identity of the product. Section 701.12 requires the label of a cosmetic product to specify the name and place of business of the manufacturer, packer, or distributor. Section 701.13 requires the label of a cosmetic product to declare the net quantity of contents of the product.

We estimate the annual burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR Section/Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
701.3/Ingredients in order of predominance	1,518	21	31,878	1	31,878
701.11/Statement of identity	1,518	24	36,432	1	36,432
701.12/Name and place of business	1,518	24	36,432	1	36,432
701.13/Net quantity of contents	1,518	24	36,432	1	36,432
Total					141,174

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The hour burden is the additional or incremental time that establishments need to design and print labeling that includes the following required elements: A declaration of ingredients in decreasing order of predominance; a statement of the identity of the product; a specification of the name and place of business of the establishment; and a declaration of the net quantity of contents. These requirements increase the time establishments need to design

labels because they increase the number of label elements that establishments must take into account when designing labels. These requirements do not generate any recurring burden per label because establishments must already print and affix labels to cosmetic products as part of normal business practices.

The estimated annual third party disclosure is based on data available to the Agency, our knowledge of and experience with cosmetic labeling, and our communications with industry. We estimate there are 1,518 cosmetic product establishments in the United States. We calculate label design costs based on stock keeping units (SKUs) because each SKU has a unique product label. Based on data available to the Agency and on communications with industry, we estimate that cosmetic establishments will offer 94,800 SKUs for retail sale in 2014. This corresponds to an average of 62 SKUs per establishment.

One of the four provisions that we discuss in this information collection, § 701.3, applies only to cosmetic products offered for retail sale. However, the other three provisions, §§ 701.11, 701.12, and 701.13, apply to all cosmetic products, including non-retail professional-use-only products. We estimate that including professional-use-only cosmetic products increases the total number of SKUs by 15 percent to 109,020. This corresponds to an average of 72 SKUs per establishment.

Finally, based on the Agency's experience with other products, we estimate that cosmetic establishments may redesign up to one-third of SKUs per year. Therefore, we estimate that the number of disclosures per respondent will be 21 (31,878 SKUs) for § 701.3 and 24 each (36,432 SKUs) for §§ 701.11, 701.12, and 701.13.

We estimate that each of the required label elements may add approximately 1 hour to the label design process. We base this estimate on the hour burdens the Agency has previously estimated for food, drug, and medical device labeling and on the Agency's knowledge of cosmetic labeling. Therefore, we estimate that the total hour burden on members of the public for this information collection is 141,174 hours per year.

Dated: April 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08708 Filed 4–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0016]

Agency Information Collection Activities; Proposed Collection; Comment Request; Recordkeeping and Records Access Requirements for Food Facilities

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing an opportunity for public comment on our proposed collection of certain information. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies must publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and allow 60 days for public comment. This notice solicits comments on the information collection provisions of our recordkeeping and records access requirements for food facilities.

DATES: Submit either electronic or written comments on the collection of information by June 16, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Recordkeeping and Records Access Requirements for Food Facilities—21 CFR 1.337, 1.345, and 1.352 (OMB Control Number 0910–0560)—Extension

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) added section 414 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 350c), which requires that persons who manufacture, process, pack, hold, receive, distribute, transport, or import food in the United States establish and maintain records identifying the immediate previous sources and immediate subsequent recipients of food. Sections 1.326 through 1.363 of our regulations (21 CFR 1.326 through 1.363) set forth the requirements for recordkeeping and records access. The requirement to establish and maintain records improves our ability to respond to, and further contain, threats of serious adverse health consequences or death to humans or animals from accidental or deliberate contamination of food.

Information maintained under these regulations will help us to identify and locate quickly contaminated or potentially contaminated food and to inform the appropriate individuals and food facilities of specific terrorist threats. Our regulations require that records for non-transporters include the name and full contact information of sources, recipients, and transporters, an adequate description of the food, including the quantity and packaging, and the receipt and shipping dates

(§§ 1.337 and 1.345). Required records for transporters include the names of consignor and consignee, points of origin and destination, date of shipment, number of packages, description of freight, route of movement and name of each carrier participating in the transportation, and transfer points through which shipment moved (§ 1.352). Existing records may be used if they contain all of the required information and are retained for the required time period.

Section 101 of the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353) amended section 414(a) of the FD&C Act and expanded our access to records. Specifically, FSMA expanded our access to records beyond records relating to the specific suspect article of food to records relating to any other article of food that we reasonably believe is likely to be affected in a similar manner. In addition, we can access records if we believe that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that we reasonably believe is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals. To gain access to these records, our officer or employee must present appropriate credentials and a written notice, at reasonable times and within reasonable limits and in a reasonable manner.

On February 23, 2012, we issued an interim final rule in the **Federal Register** (77 FR 10658) (the 2012 IFR) amending § 1.361 to be consistent with the current statutory language in section 414(a) of the FD&C Act, as amended by section 101 of FSMA. In the 2012 IFR, we concluded that the information collection provisions of § 1.361 were exempt from OMB review under 44 U.S.C. 3518(c)(1)(B)(ii) and 5 CFR 1320.4(a)(2) as collections of information obtained during the conduct of a civil action to which the United States or any official or agency thereof is a party, or during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities (77 FR at 10661). The regulations in 5 CFR 1320.3(c) provide that the exception in 5 CFR 1320.4(a)(2) applies during the entire course of the investigation, audit, or action, but only after a case file or equivalent is opened with respect to a particular party. Such a case file would be opened as part of the request to access records under § 1.361. Accordingly, we have not included an estimate of burden hours associated with § 1.361 in table 1.

Description of Respondents: Persons that manufacture, process, pack, hold, receive, distribute, transport, or import food in the United States are required to establish and maintain records, including persons that engage in both interstate and intrastate commerce.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
1.337, 1.345, and 1.352 (Records maintenance)	379,493	1	379,493	13.228	5,020,000
1.337, 1.345, and 1.352 (Learning for new firms)	18,975	1	18,975	4.790	90,890
Total					5,110,890

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

This estimate is based on our estimate of the number of facilities affected by the final rule entitled ''Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002,'' published in the **Federal Register** of December 9, 2004 (69 FR 71562 at 71650). With regard to records maintenance, we estimate that approximately 379,493 facilities will spend 13.228 hours collecting, recording, and checking for accuracy of the limited amount of additional information required by the regulations, for a total of 5,020,000 hours annually. In addition, we estimate that new firms entering the affected businesses will incur a burden from learning the regulatory requirements and understanding the records required for compliance. In this regard, the Agency estimates the number of new firms entering the affected businesses to be 5 percent of 379,493, or 18,975 firms. Thus, we estimate that approximately 18,975 facilities will spend 4.790 hours learning about the recordkeeping and records access requirements, for a total of 90,890 hours annually. We estimate that approximately the same number of firms (18,975) will exit the affected businesses in any given year, resulting in no growth in the number of total firms reported on line 1 of table 1. Therefore, the total annual recordkeeping burden is estimated to be 5,110,890 hours.

Dated: April 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08707 Filed 4–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0306]

Authorization of Emergency Use of an In Vitro Diagnostic Device for Detection of Novel Influenza A (H7N9) Virus; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of an Emergency Use Authorization (EUA) (the Authorization) for an in vitro diagnostic device for detection of the novel influenza A (H7N9) virus (detected in China in 2013). FDA is issuing this Authorization under the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as requested by Quidel Corporation. The Authorization contains, among other things, conditions on the emergency use of the authorized in vitro diagnostic device. The Authorization follows the April 19, 2013, determination by the Secretary of Health and Human Services (HHS) that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of U.S. citizens living abroad and that involves the novel influenza A (H7N9) virus. On the basis of such determination, the Secretary of HHS also declared on April 19, 2013, that circumstances exist justifying the authorization of emergency use of in

vitro diagnostics for detection of the novel influenza A (H7N9) virus subject to the terms of any authorization issued under the FD&C Act. The Authorization, which includes an explanation of the reasons for issuance, is reprinted in this document.

DATES: The Authorization is effective as of February 14, 2014.

ADDRESSES: Submit written requests for single copies of the EUA to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4121, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the Authorization may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT: Luciana Borio, Assistant Commissioner for Counterterrorism Policy, Office of Counterterrorism and Emerging Threats, and Acting Deputy Chief Scientist, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4118, Silver Spring, MD 20993–0002, 301–796–8510 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) as amended by the Project BioShield Act of 2004 (Pub. L. 108–276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help assure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents when there are no adequate, approved, and available alternatives.

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) A determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; (3) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; [1] or (4) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F–2 of the Public Health Service (PHS) Act (42 U.S.C. 247d-6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under sections 505, 510(k), or 515 of the FD&C Act (21 U.S.C. 355, 360(k), and 360e) or section 351 of the PHS Act (42 U.S.C. 262). FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the applicable circumstances), FDA [2] concludes: (1) That an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that: (A) The product may be effective in diagnosing, treating, or preventing (i) such disease or condition; or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; and (4) that such other criteria as may be prescribed by regulation are satisfied.

No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act. Because the statute is self-executing, regulations or guidance are not required for FDA to implement the EUA authority.

II. EUA Request for an In Vitro Diagnostic Device for Detection of the Novel Influenza A (H7N9) Virus

On April 19, 2013, under section 564(b)(1)(C) of the FD&C Act (21 U.S.C. 360bbb–3(b)(1)(C)), the Secretary of HHS determined that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of U.S. citizens living abroad and that involves the novel influenza A (H7N9) virus. Also on April 19, 2013, under section 564(b)(1) of the FD&C Act, and on the basis of such determination, the Secretary of HHS declared that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection of the novel influenza A

[1] As amended by the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the Secretary of HHS may make a determination of a public health emergency, or a significant potential for a public health emergency, under section 564 of the FD&C Act. The Secretary is no longer required to make a determination of a public health emergency under section 319 of the PHS Act (42 U.S.C. 247d) to support a determination made under section 564 of the FD&C Act.

[2] The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

(H7N9) virus, subject to the terms of any authorization issued under section 564 of the FD&C Act. The Secretary of HHS also specified that this declaration is a declaration of an emergency with respect to in vitro diagnostics as defined under the Public Readiness and Emergency Preparedness (PREP) Act Declaration for Pandemic Influenza Diagnostics, Personal Respiratory Protection Devices, and Respiratory Support Devices signed by then Secretary Michael Leavitt on December 17, 2008 (73 FR 78362, December 22, 2008). Notice of the determination and the declaration of the Secretary were published in the **Federal Register** on April 30, 2013 (78 FR 25273). On January 28, 2014, Quidel Corporation requested, and on February 14, 2014, FDA issued, an EUA for the Lyra™ Influenza A Subtype H7N9 Assay subject to the terms of this authorization.

III. Electronic Access

An electronic version of this document and the full text of the Authorization are available on the Internet at *http://www.regulations.gov.*

IV. The Authorization

Having concluded that the criteria for issuance of the Authorization under section 564(c) of the FD&C Act are met, FDA has authorized the emergency use of an in vitro diagnostic device for detection of the novel influenza A (H7N9) virus (detected in China in 2013) subject to the terms of the Authorization. The Authorization in its entirety (not including the authorized versions of the fact sheets and other written materials) follows and provides an explanation of the reasons for its issuance, as required by section 564(h)(1) of the FD&C Act.

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

February 14, 2014

John Tamerius, Ph.D.
Senior Vice President, Clinical and Regulatory Affairs
Quidel Corporation
10165 McKellar Court
San Diego, CA 92121

Dear Dr. Tamerius:

This letter is in response to your request that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for emergency use of the Lyra™ Influenza A Subtype H7N9 Assay for the presumptive detection of novel influenza A (H7N9) virus (detected in China in 2013) in patients with signs and symptoms of respiratory infection who have positive specimens for influenza A viral RNA that are determined to be un-subtypable, pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. § 360bbb-3).

On April 19, 2013, pursuant to section 564(b)(1)(C) of the Act (21 U.S.C. § 360bbb-3(b)(1)(C)), the Secretary of the Department of Health and Human Services (HHS) determined that there is a significant potential for a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such an agent or agents - in this case, novel influenza A (H7N9) virus.[1] Pursuant to section 564(b)(1) of the Act (21 U.S.C. § 360bbb-3(b)(1)), and on the basis of such determination, the Secretary of HHS then declared that circumstances exist justifying the authorization of the emergency use of *in vitro* diagnostics for the detection of A (H7N9) influenza virus, subject to the terms of any authorization issued under 21 U.S.C. § 360bbb-3(a).[2]

Having concluded that the criteria for issuance of this authorization under section 564(c) of the Act (21 U.S.C. § 360bbb-3(c)) are met, I am authorizing the emergency use of the Lyra™ Influenza A Subtype H7N9 Assay by Clinical Laboratory Improvement Amendments (CLIA) High Complexity Laboratories[3] or foreign laboratories on certain instruments for the presumptive detection of influenza A (H7N9) virus (detected in China in 2013) in certain patients (as described in the scope section of this letter (Section II)), subject to the terms of this authorization.

[1] As amended by the Pandemic and All-Hazards Preparedness Reauthorization Act, Pub. L. No. 113-5, under section 564(b)(1)(C) of the Act the Secretary may make a determination of a public health emergency, or of a significant potential for a public health emergency.
[2] Memorandum, Determination of a Significant Potential for a Public Health Emergency and Declaration that Circumstances Exist Justifying an Authorization Pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (April 19, 2013).
[3] These are laboratories certified under the CLIA of 1988, 42 U.S.C. § 263a, to perform high complexity tests.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of the Lyra™ Influenza A Subtype H7N9 Assay on the specified instruments for the presumptive detection of influenza A (H7N9) virus (detected in China in 2013) in the specified population meets the criteria for issuance of an authorization under section 564(c) of the Act, because I have concluded that:

1. The influenza A (H7N9) virus (detected in China in 2013) can cause influenza, a serious or life threatening disease or condition to humans infected with this virus;

2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Lyra™ Influenza A Subtype H7N9 Assay used on the specified instruments may be effective in diagnosing influenza A (H7N9) virus (detected in China in 2013) in the specified population, and that the known and potential benefits of the Lyra™ Influenza A Subtype H7N9 Assay, when used on the specified instruments for diagnosing influenza A (H7N9) virus (detected in China in 2013) infection in the specified population, outweigh the known and potential risks of such product; and

3. There is no adequate, approved, and available alternative to the emergency use of the Lyra™ Influenza A Subtype H7N9 Assay for diagnosing influenza A (H7N9) virus (detected in China in 2013).[4]

II. Scope of Authorization

I have concluded, pursuant to section 564(d)(1) of the Act, that the scope of this authorization is limited to the use of the authorized Lyra™ Influenza A Subtype H7N9 Assay in conjunction with the bioMerieux NucliSENS® easyMAG® system, followed by rRT-PCR on the Applied Biosystems® 7500 Fast Dx Real-Time PCR Instrument, for the presumptive detection of influenza A (H7N9) virus (detected in China in 2013) in patients with signs and symptoms of respiratory infection who have positive specimens for influenza A viral RNA that were determined to be "un-subtypable."

The Authorized Lyra™ Influenza A Subtype H7N9 Assay:

The Lyra™ Influenza A Subtype H7N9 Assay is a real-time reverse transcriptase PCR (rRT-PCR) for the *in vitro* qualitative detection and differentiation of influenza A (H7N9) virus (detected in China in 2013) viral RNA in nasal swabs (NS) and nasopharyngeal swabs (NPS) from patients with signs and symptoms of respiratory infection. It is only authorized for use after a nasal or nasopharyngeal swab specimen has tested positive for influenza A viral RNA by using a FDA-cleared influenza A device, and has been determined to be "un-subtypable" by using FDA-cleared influenza device(s) with subtyping capabilities for all currently circulating influenza A viruses in the United States (i.e., seasonal A/H3 and A/H1 pandemic). The authorized testing consists of nucleic acid extraction on the FDA-cleared bioMerieux NucliSENS® easyMAG® system, followed by rRT-PCR on the FDA-cleared Applied Biosystems® 7500 Fast Dx Real-Time PCR Instrument.

[4] No other criteria of issuance have been prescribed by regulation under section 564(c)(4) of the Act.

The Lyra™ Influenza A Subtype H7N9 Assay includes the following reagents:

- **Rehydration Solution**
- **Lyra™ Influenza A Subtype H7N9 Assay Master Mix**

The Lyra™ Influenza A Subtype H7N9 Assay also includes the following control materials:

- **Process Control (PRC)**
- **Avian Influenza A (H7N9) Synthetic DNA Positive Control**

The above described Lyra™ Influenza A Subtype H7N9 Assay, when labeled consistently with the labeling authorized by FDA, entitled "Lyra™ Influenza A Subtype H7N9 Assay Instructions for Use" (available at http://www.fda.gov/MedicalDevices/Safety/EmergencySituations/ucm161496.htm), which may be revised with written permission of FDA, is authorized to be distributed to and used by public health and other qualified laboratories under this EUA, despite the fact that it does not meet certain requirements otherwise required by federal law.

The above described Lyra™ Influenza A Subtype H7N9 Assay is authorized to be accompanied by the following information pertaining to the emergency use, which is authorized to be made available to healthcare providers and patients:

- **Fact Sheet for Healthcare Providers: Interpreting Lyra™ Influenza A Subtype H7N9 Assay Test Results**

- **Fact Sheet for Patients: Understanding Results from the Lyra™ Influenza A Subtype H7N9 Assay**

As described in section IV below, Quidel Corporation is also authorized to make available additional information relating to the emergency use of the authorized Lyra™ Influenza A Subtype H7N9 Assay that is consistent with, and does not exceed, the terms of this letter of authorization.

I have concluded, pursuant to section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of the authorized Lyra™ Influenza A Subtype H7N9 Assay in the specified population, when used on the specified instruments for presumptive detection of influenza A (H7N9) virus (detected in China in 2013), outweigh the known and potential risks of such a product.

I have concluded, pursuant to section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the authorized Lyra™ Influenza A Subtype H7N9 Assay used on the specified instruments may be effective in the diagnosis of influenza A (H7N9) virus (detected in China in 2013) infection in the specified population pursuant to section 564(c)(2)(A) of the Act. The FDA has reviewed the scientific information available including the information supporting the conclusions described in Section I above, and concludes that the authorized Lyra™ Influenza A Subtype H7N9 Assay, when used to diagnose influenza A (H7N9) virus (detected in China in 2013) infection in the specified population, meets the criteria set forth in section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of the authorized Lyra™ Influenza A Subtype H7N9 Assay under this EUA must be consistent with, and may not exceed, the terms of this letter, including the scope and the conditions of authorization set forth below. Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under section 564(b)(1)(C) described above and the Secretary of HHS's corresponding declaration under section 564(b)(1), the Lyra™ Influenza A Subtype H7N9 Assay described above is authorized to diagnose influenza A (H7N9) virus (detected in China in 2013) infection on the specified instruments in the specified population.

This EUA will cease to be effective when the declaration of emergency is terminated under section 564(b)(2) of the Act or when the EUA is revoked under section 564(g) of the Act.

III. Waiver of Certain Requirements

I am waiving the following requirements for the Lyra™ Influenza A Subtype H7N9 Assay during the duration of this emergency use authorization:

- Current good manufacturing practice requirements, including the quality system requirements under 21 CFR Part 820 with respect to the design, manufacture, packaging, labeling, storage, and distribution of the Lyra™ Influenza A Subtype H7N9 Assay.

- Labeling requirements for cleared, approved, or investigational devices, including labeling requirements under 21 CFR 809.10 and 809.30, except for the intended use statement (21 CFR 809.10(a)(2), (b)(2)), adequate directions for use (21 U.S.C. 352(f)), (21 CFR 809.10(b)(5) and (8)), any appropriate limitations on the use of the device including information required under 21 CFR 809.10(a)(4), and any available information regarding performance of the device, including requirements under 21 CFR 809.10(b)(12).

IV. Conditions of Authorization

Pursuant to section 564 of the Act, I am establishing the following conditions on this authorization:

Quidel Corporation

A. Quidel Corporation will distribute the authorized Lyra™ Influenza A Subtype H7N9 Assay with the authorized labeling, as may be revised with written permission of FDA, only to CLIA High Complexity Laboratories or foreign laboratories.

B. Quidel Corporation will provide to the CLIA High Complexity Laboratories the authorized Lyra™ Influenza A Subtype H7N9 Assay Fact Sheet for Healthcare Providers and the authorized Lyra™ Influenza A Subtype H7N9 Assay Fact Sheet for Patients.

C. Quidel Corporation will make available on its website the authorized Lyra™ Influenza A Subtype H7N9 Assay Fact Sheet for Healthcare Providers and the authorized Lyra™ Influenza A Subtype H7N9 Assay Fact Sheet for Patients.

D. Quidel Corporation will inform state and/or local public health authority(ies) of this EUA, including the terms and conditions herein.

E. All advertising and promotional descriptive printed matter relating to the use of the authorized Lyra™ Influenza A Subtype H7N9 Assay shall clearly and conspicuously state that:

- This test has not been FDA cleared or approved;
- This test has been authorized for use only by CLIA High Complexity Laboratories or foreign laboratories;
- This test has been authorized by FDA under an Emergency Use Authorization;
- This test has been authorized only for the detection of influenza A (H7N9) virus (detected in China in 2013) and not for any other viruses or pathogens; and
- This test is only authorized for the duration of the HHS declaration of emergency that justifies this authorization, unless the authorization is revoked sooner.

F. No advertising or promotional descriptive printed matter relating to the use of the authorized Lyra™ Influenza A Subtype H7N9 Assay may represent or suggest that this test has been found to be safe or effective for the diagnosis of influenza A (H7N9) virus (detected in China in 2013).

G. Quidel Corporation will ensure that CLIA High Complexity laboratories using the authorized Lyra™ Influenza A Subtype H7N9 Assay have a process in place for reporting test results to healthcare providers and federal, state, and/or local public health authorities, as appropriate.

H. Quidel Corporation will track adverse events and report to FDA as required under 21 CFR Part 803.

I. Through a process of inventory control, Quidel Corporation will maintain records of device usage.

J. Quidel Corporation will collect information on the performance of the assay, and report to FDA any suspected occurrence of false positive or false negative results of which Quidel Corporation becomes aware.

K. Quidel Corporation is authorized to make available additional information relating to the emergency use of the authorized Lyra™ Influenza A Subtype H7N9 Assay that is consistent with, and does not exceed, the terms of this letter of authorization.

L. Only Quidel Corporation may request changes to the authorized Lyra™ Influenza A Subtype H7N9 Assay Fact Sheet for Healthcare Providers or the authorized Lyra™ Influenza A Subtype H7N9 Assay Fact Sheet for Patients. Such requests will be made by contacting FDA concerning FDA review and approval.

Page 6 – Dr. Tamerius, Quidel Corporation

CLIA High Complexity Laboratories

M. CLIA High Complexity Laboratories will include with reports of the results of the Lyra™ Influenza A Subtype H7N9 Assay the authorized Fact Sheet for Healthcare Providers and the authorized Fact Sheet for Patients.

N. CLIA High Complexity Laboratories will perform the assay on a bioMerieux NucliSENS® easyMAG® Nucleic Acid Extraction System and an Applied Biosystems® 7500 Fast Dx Real-Time PCR Instrument with the appropriate software, respectively.

O. CLIA High Complexity Laboratories will have a process in place for reporting test results to healthcare providers and federal, state, and/or local public health authorities, as appropriate.

P. CLIA High Complexity Laboratories will collect information on the performance of the assay, and report to Quidel Corporation any suspected occurrence of false positive or false negative results of which CLIA High Complexity laboratories become aware.

Q. CLIA High Complexity Laboratories will clearly and conspicuously state on reports of the results of the Lyra™ Influenza A Subtype H7N9 Assay that this test is only authorized for the diagnosis of influenza A (H7N9) virus (detected in China in 2013) and not for seasonal influenza A, B, or any other pathogen.

Quidel Corporation and CLIA High Complexity Laboratories

R. Quidel Corporation and CLIA High Complexity Laboratories will ensure that any records associated with this EUA are maintained until notified by FDA. Such records will be made available to FDA for inspection upon request.

The emergency use of the authorized Lyra™ Influenza A Subtype H7N9 Assay as described in this letter of authorization must comply with the conditions above and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration of emergency is terminated under section 564(b)(2) of the Act or the EUA is revoked under section 564(g) of the Act.

Margaret A. Hamburg, M.D.
Commissioner of Food and Drugs

Enclosures

Dated: April 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08706 Filed 4–16–14; 8:45 am]

BILLING CODE 4160–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0331]

Live Case Presentations During Investigational Device Exemption Clinical Trials; Draft Guidance for Institutional Review Boards, Industry, Investigators, and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Live Case Presentations During Investigational Device Exemption (IDE) Clinical Trials: Draft Guidance for Institutional Review Boards, Industry, Investigators, and Food and Drug Administration Staff.'' This guidance is intended, in part, to improve the quality of information submitted by sponsors in an IDE application or supplement to an IDE application and to ensure consistency in the review of those submissions. This draft guidance is intended to clarify FDA's regulations and policies regarding live case

presentations using unapproved or uncleared investigational devices in the United States. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by July 16, 2014.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Live Case Presentations During Investigational Device Exemption (IDE) Clinical Trials: Draft Guidance for Institutional Review Boards, Industry, Investigators, and Food and Drug Administration Staff'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Sheila Brown, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1651, Silver Spring, MD 20993–0002, 301–796–6563, *sheila.brown@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Requests for live case presentations have been submitted to the Agency as multiple supplements to an approved IDE application as either protocol deviations, changes to the investigational plan, or study expansion requests. Live case presentations have not generally been prospectively identified and described as components of the overall study design in original IDE applications.

Although it is expected that very few investigations conducted under an IDE will have the need for live case presentations, FDA has seen an increase in the number of requests for certain investigations to conduct live case presentations. Live case presentations may increase awareness of the study for potential investigators and facilitate the recruitment of subjects. Increased awareness of the IDE clinical study by other health care professionals resulting from a live case presentation might accelerate enrollment of eligible subjects which, in turn, may lead to new therapies being made available sooner. However, because of concerns related to human subject protection and uncertainty about potential differences between outcomes of subjects participating in live case presentations compared to subjects not participating in live case presentations, this guidance was developed for institutional review boards, review staff, the regulated industry and clinical community.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on live case presentations during IDE clinical trials. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. Persons unable to download an electronic copy of ''Live Case Presentations During Investigational Device Exemption (IDE) Clinical Trials: Draft Guidance for Institutional Review Boards, Industry, Investigators, and Food and Drug Administration Staff,'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1736 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: April 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08710 Filed 4–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0332]

Endotoxin Testing Recommendations for Single-Use Intraocular Ophthalmic Devices; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Endotoxin Testing Recommendations for Single-Use Intraocular Ophthalmic Devices.'' National outbreaks of Toxic Anterior Segment Syndrome (TASS) have been associated with single-use intraocular ophthalmic devices (IODs) and single-use intraocular ophthalmic surgical instruments/accessories that are contaminated with endotoxins. These devices can become contaminated as part of the manufacturing, sterilization, or packaging processes. This guidance document provides recommendations for endotoxin limits as well as endotoxin testing to manufacturers and other entities involved in submitting premarket applications (PMAs) or premarket notification submissions (510(k)s) for different categories of IODs

to mitigate future outbreaks of TASS. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by July 16, 2014.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for single copies of the draft guidance document entitled ''Endotoxin Testing Recommendations for Single-Use Intraocular Ophthalmic Devices'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Michelle Tarver, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2504, Silver Spring, MD 20993–0002, 301–796–5620.

SUPPLEMENTARY INFORMATION:

I. Background

TASS has been increasing in frequency. Some cases of TASS are severe enough to require secondary surgical interventions including glaucoma surgery and corneal transplantation. It is estimated that clusters of 3 to 20 cases of TASS occur several times each year, translating to an estimated incidence of more than 1 in 1,000. The use of inadequately or improperly processed ophthalmic surgical instruments is one of many factors suggested as a potential cause of TASS. In many TASS cases, bacterial endotoxin from medical devices is believed to cause the inflammation.

This guidance document was developed to notify manufacturers and other entities involved in submitting PMAs or 510(k)s for different categories of IODs of the recommended endotoxin limit for the release of IODs and single-use intraocular ophthalmic surgical instruments/accessories in an effort to mitigate future TASS outbreaks.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on endotoxin testing and limits for single-use IODs. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.*

To receive ''Endotoxin Testing Recommendations for Single-Use Intraocular Ophthalmic Devices,'' you may either send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1836 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: April 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08711 Filed 4–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Charter Renewal

In accordance with Title 41 of the U.S. Code of Federal Regulations, 102–3.65(a), notice is hereby given that the Charter for the National Science Advisory Board for Biosecurity (NSABB) was renewed for an additional two-year period on April 7, 2014.

It is determined that the NSABB is in the public interest and consistent with the performance of duties imposed on the Department of Health and Human Services by law, and that these duties can best be performed with the advice and counsel of this group.

Inquiries may be directed to Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496–2123, or *spaethj@od.nih.gov.*

Dated: April 11, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08677 Filed 4–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Vaccine Research Center Board of Scientific Counselors, NIAID.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and

Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Vaccine Research Center Board of Scientific Counselors.

Date: May 12–13, 2014.

Time: 8:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Vaccine Research Center, 40 Convent Drive, Bethesda, MD 20892.

Contact Person: John R. Mascola, MD, Deputy Director, Vaccine Research Center NIAID, NIH, 40 Convent Drive, Bethesda, MD 20892, (301) 496–1852, *jmascola@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 11, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08681 Filed 4–16–14; 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; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, June 11, 2014, 11:00 a.m. to June 11, 2014, 01:00 p.m., National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on April 09, 2014, 79 FR 19637.

This meeting will be held on June 4, 2014 from 11:00 a.m. until 01:00 p.m. at the National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892. The meeting is closed to the public.

Dated: April 11, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08675 Filed 4–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed 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 Biomedical Imaging and Bioengineering Special Emphasis Panel; K Award & R 13 Conference Grant Review.

Date: May 12, 2014.

Time: 9:30 a.m. to 6:00 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: Steven J Zullo, Ph.D., Scientific Review Officer, National Institutes of Health/NIBIB, Bethesda, MD 20892, 240–271–9007, *Steven.zullo@nih.gov.*

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; MSM Program Review.

Date: May 28, 2014.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Manana Sukhareva, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, (301) 451–3397, *sukharem@mail.nih.gov.*

Dated: April 11, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08679 Filed 4–16–14; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Human Insulin Research Network—Consortium on Beta Cell Death and Survival (HIRN–CDBS)–RFA–DK–13–018.

Date: June 17, 2014.

Time: 10:00 a.m. to 4:00 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.*

(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 11, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08676 Filed 4–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: May 13–14, 2014.

Open: May 13, 2014, 8:30 a.m. to 5:00 p.m.

Agenda: Discussion of program policies and issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: May 14, 2014, 8:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Gwen W. Collman, Ph.D., Interim Director, Division of Extramural Research & Training, National Institutes of Health, Nat. Inst. of Environmental Health Sciences, 615 Davis Dr., KEY615/3112, Research Triangle Park, NC 27709, (919) 541–4980, *collman@niehs.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's Council home page: *www.niehs.nih.gov/about/boards/naehsc/index.cfm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS).

Dated: April 11, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08678 Filed 4–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID SBIR Phase II Clinical Trial Implementation Cooperative Agreement (U44) and Clinical Trial Planning Grants (R34).

Date: May 12, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Quirijn Vos, Ph.D., Scientific Review Officer Scientific Review Program, Division of Extramural, Activities DHHS/NIH/NIAID, 6700B Rockledge Drive, MSC, 7616 Bethesda, MD 20892, 301–451–2666, *qvos@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: April 11, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08680 Filed 4–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0015]

National Protection and Programs Directorate; Notice of Completion of Notification of Cyber-Dependent Infrastructure and Process for Requesting Reconsideration of Determinations of Cyber Criticality

(*Authority:* E.O. 13636, 78 FR 11737)

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Public notice of completion of notification and process for requesting reconsideration to owners and operators of cyber-dependent infrastructure.

SUMMARY: The Secretary of Homeland Security has been directed to identify critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security. In addition to identifying such infrastructure, the Secretary has also been directed to confidentially notify owners and operators of critical infrastructure identified and establish a mechanism through which entities can request reconsideration of that identification, whether inclusion or exclusion from this list. This notice informs owners and operators of critical infrastructure that the confidential notification process is complete and describes the process for requesting reconsideration.

DATES: The agency must receive the reconsideration package before May 15, 2014.

ADDRESSES: Submit reconsideration requests and unclassified written reconsideration materials to *CDII@HQ.DHS.GOV*. See **SUPPLEMENTARY INFORMATION** for formatting instructions.

FOR FURTHER INFORMATION CONTACT: The Office of Cyber and Infrastructure Analysis, National Protection and Programs Directorate, United States Department of Homeland Security, Washington, DC 20528, or via email at *cdii@hq.dhs.govmailto:carlos.kizzee@dhs.gov*.

Responsible DHS Official: Under Secretary, National Protection and

Programs Directorate, United States Department of Homeland Security.

SUPPLEMENTARY INFORMATION:

Background: In section 9 of Executive Order (E.O.) 13636 the President directs the Secretary of Homeland Security to identify critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.'' E.O. 13636, 78 FR 11737 (Feb. 12, 2013). Once that list of infrastructure is transmitted to the President in accordance with sec. 9, the Secretary is further directed to confidentially notify each entity that it has been identified and, ''establish a process through which owners and operators of critical infrastructure may submit relevant information and request reconsideration of identifications under [this section].'' Id at § 9(c).

The United States Department of Homeland Security (DHS), in accordance with the consultative process required under E.O. 13636, developed a functions-based approach to identify critical infrastructure where ''a cybersecurity incident could reasonably result in catastrophic regional or national effects.'' DHS consulted with sector stakeholders throughout the identification process including, Sector-Specific Agencies, Sector Coordinating Councils, Government Coordinating Councils, independent regulatory agencies, subject-matter experts, and critical infrastructure owners and operators.

DHS developed, reviewed, and discussed with private sector entities and trade associations criteria for evaluating when a cybersecurity incident involving critical infrastructure could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security. ''Catastrophic'' was determined to be a higher level of impact than the ''debilitating'' standard found in the statutory definition of critical infrastructure. The higher threshold ensures that only infrastructure where a cybersecurity incident could cause the greatest impact is identified. The criteria for determining inclusion of the critical infrastructure were designed to assess whether a cybersecurity incident could reasonably result in incapacitation of the infrastructure or function and whether this incapacitation could cause catastrophic regional or national impacts on: Public Health or Safety, Economic Security or National Security.

Identifying cyber-dependent critical infrastructure supports both critical infrastructure needs and national security objectives by (1) providing the Federal government with the ability to more effectively disseminate specific and targeted cybersecurity threat information to identified cyber-dependent critical infrastructure owners and operators; (2) supporting the prioritization, as appropriate, of government resources and programs available to identified cyber-dependent critical infrastructure; and (3) improving government's understanding of the systems or assets whose incapacity or disruption would have catastrophic consequences in furtherance of government planning, protection, mitigation and response efforts to be provided in partnership with impacted state, local, territorial, tribal and private sector entities in the event of a cyber incident.

The Secretary presented the initial list of identified infrastructure to the President, through the Assistant to President for Homeland Security and Counterterrorism on July 19, 2013. In accordance with E.O. 13636, this list will be reviewed and updated annually.

DHS has completed the process of notifying owners and operators of critical infrastructure that were included on the July 19, 2013 initial list. If critical infrastructure owners and operators have not been contacted by DHS in connection with their status on the initial list, then such infrastructure has not been included on the initial list. Such infrastructure may be included in subsequent updates based on the outcome of reconsideration requests, annual reviews, or amendments to the list.

The opportunity for reconsideration of initial identifications by DHS is available to all critical infrastructure owners and operators, whether or not their infrastructure has been identified as cyber-dependent by DHS, in accordance with this notice. The opportunity for reconsideration will be provided annually.

The Secretary has delegated to the Under Secretary for National Protection and Programs the authority to address reconsideration requests and to make determinations in connection in subsequent updates.

Definitions

''Critical infrastructure'' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

''Cyber dependent'' means critical infrastructure that utilizes computers, electronic communications systems, electronic communications services, wire communication, and/or electronic communication, including information contained therein, in order function or be maintained.

''Cyber incident'' means an event or series of events that impairs the confidentiality, integrity, or availability of electronic information, information systems, services, or networks.

''Reconsideration official'' means the Under Secretary for National Protection and Programs, or her or his designee, who will consider requests for reconsideration in accordance with the process set forth in this notice.

Impact of Being Identified Under Sec. 9

The primary purpose of identifying critical infrastructure under sec. 9 of E.O. 13636 is to better understand national and regional cyber dependencies and consequences across critical infrastructure, inform planning and program development for federal critical infrastructure security and resilience programs, and enable improved cyber risk management by the identified critical infrastructure owners and operators. Owners and operators of identified cyber-dependent critical infrastructure have the opportunity to request expedited processing through the DHS Private Sector Clearance Program, which may provide access to classified government cybersecurity threat information as appropriate. Cyber-dependent critical infrastructure may also be prioritized for routine and incident-driven cyber technical assistance activities offered by DHS and other agencies. Additionally, owners and operators of identified cyber-dependent critical infrastructure are encouraged to participate in the National Institute of Standards and Technology (NIST) cybersecurity framework for critical infrastructure (''NIST framework''). As Federal government resources and programs develop and improve to enhance the security and resilience of critical infrastructure against cybersecurity threats, cyber-dependent critical infrastructure will be a continued priority.

Reconsideration Process

Submitting a Reconsideration Request

Reconsideration of identifications under sec. 9 of E.O. 13636 will be based on an evaluation of new information provided to DHS by the requesting entity. An entity must initiate the reconsideration process in writing.

However, the entity also may request a meeting with a DHS official (in person or by phone) to discuss the additional information they will provide in support of their reconsideration request or to seek additional information about the basis for identifications. DHS will consider meeting requests on a case by case basis and identify an appropriate official to participate in such meetings on behalf of the reconsideration official.

Owners and operators of critical infrastructure entities or their authorized agents may initiate a reconsideration request by sending an email to *CDII@HQ.DHS.GOV* including:

1. The entity for reconsideration;
2. the name, title, telephone number and email address of a designated point of contact, whether an employee or non-employee agent, for the owner or operator of that entity to whom all communications related to the reconsideration process will be directed; and
3. if desired, a request for a meeting with DHS representatives.

DHS will confirm the submission of each reconsideration request with an email to the submitting entity and will provide a reconsideration request number within three days of receipt. Where the requesting entity has requested a telephonic or in-person meeting, a representative of DHS will contact the entity at the email address provided in the initial request to schedule a meeting or inform the entity that the requested meeting is not available.

Submission of Reconsideration Materials

Following DHS confirmation of the request, entities may submit reconsideration materials as part of an in-person or telephone meeting or in writing. Entities who submit written documentation in lieu of a meeting or who choose to provide additional documentation following a meeting should submit the information via email (with exceptions noted below) in the form of a single attachment. All pages submitted to DHS should be double-spaced 12 point Times New Roman text or visual material, with 1'' margins and page numbers. Supporting documentation should be organized and labeled. Entities should include the DHS-provided reconsideration request number on each page of the submission.

Documentation used to justify a change in status for an entity with respect to identified cyber-dependent critical infrastructure may constitute protected critical infrastructure information (PCII) if it satisfies, and is submitted in accordance with, applicable requirements. The PCII program is an information-protection program that enhances voluntary information sharing between infrastructure owners and operators and the government. In order to ensure handling under the provisions of the PCII program, owner operators must submit information consistent with the Critical Infrastructure Information Act (6 U.S.C. 131 *et seq*), the PCII final rule (6 CFR part 29), and the PCII Program Manual. Additional information regarding the PCII program may be found at *http://www.dhs.gov/pcii*.

Classified information must not be transmitted to *mailto:cdii@hq.dhs.gov;* however, a request for guidance on alternate submission guidance may be sent, without any classified information, to *cdii@hq.dhs.gov*. DHS may in its sole discretion grant a reasonable extension to the reconsideration submission for the purpose of accommodating a request to submit classified information.

Reconsideration Request Review

A preliminary review by DHS following a meeting or submission of the reconsideration materials will evaluate whether any additional information is needed to make a decision on the reconsideration request. DHS will contact the submitter within 30 days of the meeting or submission to request additional information, if needed, or to confirm that the reconsideration package is complete. If additional information is requested, the submitter will have up to 60 days from the date of DHS's request to provide such information, and DHS will have another 30 days from the additional submission to deem the package complete. Following receipt and review of a complete reconsideration package, DHS will provide requesting entities with a written response including the basis for its determination.

If a complete reconsideration package is not received by DHS before May 15, 2014, any information provided by a submitter may be considered in connection with the next annual update rather than as a request for reconsideration of this year's determination.

In considering requests for reconsideration, DHS may consult with sector specific agencies and other appropriate federal entities. Information submitted to DHS, including appropriately submitted PCII, will be protected in accordance with applicable requirements and used only for permitted purposes.

Entities may contact *cdii@hq.dhs.gov* at any time to request a status update during the reconsideration request review process. After a determination has been made in connection with the request, subsequent reconsideration requests will not be accepted until the next annual review.

Dated: April 11, 2014.

Suzanne Spaulding,

Under Secretary, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2014–08702 Filed 4–16–14; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2009–0139; OMB Control Number: 1625–0043]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard plans to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting a revision to the following collection of information: 1625–0043, Ports and Waterways Safety Act—Title 33, Subchapter P. The Coast Guard invites comments as described below.

DATES: Comments must reach the Coast Guard on or before June 16, 2014.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2009–0139] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as

documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

A copy of this ICR is available within this notice and through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) The accuracy of the estimated burden of the Collection; (3) Ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) Ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology.

We will consider all comments and material received during the comment period. This notice requesting comments and the ICR are related to and referenced in the final rule for the Regulated Navigation Area (RNA); Gulf Intracoastal Waterway (GIWW), Inner Harbor Navigation Canal (IHNC), New Orleans, LA. The information collected allows the Coast Guard to ensure that pre-planned deviations from the RNA, as afforded by the regulation, are done so safely and securely. The Coast Guard published the final rulemaking to enable vessels, facility owners and operators sufficient time to prepare and if desired, pre-plan safe and secure deviation from RNA requirements in time for the 2014 Hurricane Season.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR, [OMB control no. 1625–0043], and the docket number of this request, [USCG–2009–0139], and must be received by June 16, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number, [USCG–2009–0139], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. Please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online. Please see the ''Privacy Act'' paragraph below (see also the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF as indicated under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov*, and type ''USCG–2014–0094'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov*, click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2009–0139'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

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

Information Collection Request

Title: Approval of Pre-planned Deviation from the Regulated Navigation Area (RNA); Gulf Intracoastal Waterway (GIWW), Inner Harbor Navigation Canal (IHNC), New Orleans, LA. The final rule for this RNA published on April 17, 2014 at 79 FR [INSERT FR PAGE NUMBER FOR FINAL RULE] under the same docket number, USCG–2009–0139.

OMB Control Number: 1625–0043.

SUMMARY: The Hurricane Operations Plans submitted to the Coast Guard provides information supporting the choice to deviate from RNA restrictions and remain within certain RNA areas during enforcement. These plans will include: Total number of remaining vessels and description, name, IMO number, etc. of each vessel; diagram of the facility; mooring arrangement details and certification; contact information for POC at facility; and insurance

disclosures. Storm Specific Verification Reports as detailed under the established Sector New Orleans Maritime Hurricane Contingency Port Plan at *http://homeport.uscg.mil/nola* will also be collected.

Need: Approval of the Hurricane Operations Plans by the Coast Guard ensures that facilities and vessels that choose to deviate from the RNA restrictions during enforcement and remain within certain areas of the RNA are able to do so safely and securely without presenting a threat to the flood protection system and possibly causing a breech leading to flooding in the Greater New Orleans area.

Use: The Coast Guard will evaluate the information to confirm that the facilities and vessels have a plan in place that meets requirements to remain safely and securely within the RNA.

Description of the Respondents: Waterfront facility and vessel owners and operators operating within the RNA.

Number of Respondents: 15.

Frequency of Response: Once in full and then annually to provide updated information based on changes in facility and vessel operations.

Burden of Response: Under 5 CFR 1320.3(b)(2), the time, effort, and financial resources necessary to comply with the information required to deviate under this rule is excluded because it will be incurred in the normal course of business and activities. The vessel information, recordkeeping, insurance disclosure, mooring plans and certifications, and emergency contact information required to deviate from the RNA are not only usual and customary, but commonly required under self-imposed operating plans, insurance requirements, or facility requirements. Therefore, the information required is already maintained by the facilities and vessels as part of their day-to-day operations. Additionally, the Coast Guard received no comments indicating that this information presents a burden to the facilities and vessels and expects to receive no adverse comment to revising the existing OMB control no. 1625–0043 to include this rule.

Estimate of Total Annual Burden: The estimated burden involved in providing the information required for deviation is 180 hours (12 hours per responding facility/vessel owner). However, under 5 CFR 1320.3(b)(2), the time, effort, and financial resources necessary to comply with the information required to deviate under this rule is excluded because it will be incurred in the normal course of business and activities. Therefore, the estimated burden for OMB control number 1625–0043 is expected to remain unchanged.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 1, 2014.

K. S. Cook,

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

[FR Doc. 2014–08256 Filed 4–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0028]

Agency Information Collection Activities: Petition To Classify Orphan as an Immediate Relative, Form I–600; Application for Advance Processing of Orphan Petition, Form I–600A; Listing of Adult Member of the Household, Supplement 1; Revision of a Currently Approved Collection

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 16, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0028 in the subject box, the agency name and Docket ID USCIS–2008–0020. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2007–0045;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Issues for Comment Focus

DHS, USCIS invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort, and resources used by the respondents to respond).

For this collection, USCIS is especially interested in the public's experience, input, and estimates on the burden in terms of time and cost incurred by applicants for the following aspects of this information collection:

- Cost associated with services provided by preparers (persons who assist the respondent with the preparation of the form).
- The time required to obtain supporting documents.
- The percentage of total applicants who require English translations of their supporting documents.
- The percentage of supporting documents for each individual

applicant that require translation into English.

• The time required to find, hire, or otherwise obtain translations of supporting documents for immigration benefit requests.

• The average out of pocket monetary cost if any to obtain translations of supporting documents when required.

• Cost associated with the required Home Study (see 8 CFR 204.301). Respondents are required by 8 CFR 204.311 to submit a home study conducted and prepared by an individual or agency who is authorized under 22 CFR 96 to prepare such study.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition to Classify Orphan as an Immediate Relative; Application for Advance Processing of Orphan Petition; Listing of Adult Member of the Household.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–600, Form I–600A and Supplement 1; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* USCIS uses Form I–600 to determine whether a child alien is an eligible orphan. Form I–600A is used to streamline the procedure for advance processing of orphan petitions. Supplement 1 is to be completed by every adult member (age 18 and older), who lives in the home of the prospective adoptive parent(s), except for the spouse of the applicant/petitioner.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

—Form I–600 respondents estimated at 2,665. The estimated average burden per response is .750 hours (45 minutes).

—Form I–600A respondents estimated at 3,576. The estimated average burden per response is .750 hours (45 minutes).

—Supplement 1 respondents estimated at 3,316. The estimated average burden per response is .25 hours (15 minutes).

—Biometrics Respondents estimated at 12,873. The estimated average burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 19,789.66 annual burden hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: April 14, 2014.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–08768 Filed 4–16–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 5774–N–01]

Promise Zones Initiative: Proposed Second Round Selection Process Solicitation of Comment

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: Through this notice, HUD solicits comment, for a period of 60-days, on the proposed selection process, criteria and submissions for the second round of the Promise Zone initiative.

DATES: *Comments Due Date: June 16, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Questions or comments should be directed by email to *PromiseZones@hud.gov* with ''Second Round Promise Zone selections'' in the subject line. Questions or comments may also be directed by postal mail to the Office of the Deputy Assistant Secretary for Economic Development, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Room 7136, Washington, DC 20410 ATTN: 2nd Round Promise Zone selections.

FOR FURTHER INFORMATION CONTACT: Brooke Bohnet, U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, DC, 20410; telephone number 202–402–6693. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background—Round 1 Promise Zones

In his 2013 State of the Union address, President Obama announced the establishment of the Promise Zones initiative to partner with high-poverty communities across the country to create jobs, increase economic security, expand educational opportunities, increase access to quality, affordable housing, and improve public safety.[1] On January 8, 2014, the President announced the first five Promise Zones, which are located in: San Antonio, TX; Philadelphia, PA; Los Angeles, CA; Southeastern Kentucky, KY; and the Choctaw Nation of Oklahoma, OK. Each of these communities (three urban, one rural and one tribal) submitted a plan on how they will partner with local business and community leaders to make investments that reward hard work and expand opportunity. In exchange, the Federal government is helping these Promise Zone designees secure the resources and flexibility they need to achieve their goals.[2]

The first five Promise Zones were selected through a competitive process following an invitation to eligible communities to apply for a designation, which was issued on October 30, 2013 with an application deadline of November 26, 2013.[3] The urban designations were conferred by HUD while the rural and tribal designations were conferred by USDA. The pool of

[1] See *http://www.whitehouse.gov/the-press-office/2013/02/15/fact-sheet-president-s-plan-ensure-hard-work-leads-decent-living.*

[2] See *http://www.whitehouse.gov/the-press-office/2014/01/08/fact-sheet-president-obama-s-promise-zones-initiative.*

[3] See *www.hud.gov/promisezones.*

eligible applicants was limited to communities with demonstrated capacity in one or more areas of Promise Zones' work that would prepare them to broaden their efforts to additional revitalization priorities. Specifically, urban eligibility was limited to communities encompassing a Choice Neighborhoods or Promise Neighborhoods implementation grant, or a Byrne Criminal Justice Innovation grant, while rural and tribal eligibility was limited to communities encompassing a Stronger Economies Together, Sustainable Communities, Promise Neighborhoods Implementation, or Rural Jobs Accelerator grant.

Promise Zones Benefits

The Promise Zones designation enables the Federal government to partner with local leaders who are addressing multiple community revitalization challenges in a collaborative way and have demonstrated a commitment to results. Specifically, Federal staff will be stationed in each designated community to help navigate the array of Federal assistance which Promise Zones can access, subject to the availability of appropriations and Federal agency rules and statutes. This level of engagement will help communities make the most of funding that is already available to them. In addition, organizations contributing to Promise Zone strategies will receive preference for certain competitive Federal programs, as permissible under the rules and statutes of the individual programs and agencies, and subject to appropriations. Organizations contributing to Promise Zone strategies will also receive technical assistance and other non-competitive support, again subject to available funding and as permissible under individual program and Federal agency rules and statutes. Businesses investing in Promise Zones or hiring residents of Promise Zones will also be eligible to receive tax incentives for these activities, if the tax incentives are enacted by Congress. Altogether, this package of assistance will help local leaders accelerate efforts to revitalize their communities.

The Promise Zone designation will be for a term of 10 years, and will be extended as necessary to capture the full term of availability of the Promise Zone tax incentives, if the tax incentives are enacted. During this term, the specific benefits made available to Promise Zones may vary from year to year, and sometimes more often than annually, due to changes in Federal agency policies, and changes in appropriations and authorizations for relevant programs.

Second Round Promise Zones Selection Process

A second round of Promise Zone designations is now being planned to open for solicitation in 2014 with announcements expected in early 2015. A total of 20 Promise Zone designations will be made by the end of 2016, including the five designations announced in January, 2014. We anticipate making at least five and as many as 15 total designations in the second round in the urban, rural and tribal categories, depending on resources available.

Due to the nature of the initiative, Promise Zone activities are likely to be carried out by a variety of organizations and organization types. Eligible lead applicants for Urban Promise Zone designations are: Units of General Local Government [4] (UGLG or local government) including an office or department within local government; or non-profit organizations, housing authorities or school districts applying in partnership with local government. Eligible lead applicants for Rural and Tribal Promise Zone designations are: Local or tribal governments (which includes county, city, town, township, parish, village, governmental authority or other general-purpose political subdivision of a state or tribe or any combination thereof); offices/departments within local government; non-profit organizations applying in partnership with local government; housing authorities applying in partnership with local government; or school districts applying in partnership with local government.

The selection process under consideration is that any community meeting the qualifying criteria set forth in the *Second Round Application Guide* would be eligible to apply for Promise Zone designation. All of the following must be present in an application for a proposed Urban Promise Zone to be eligible for a designation: (1) The Promise Zone must encompass one or more census tract(s) or portions of census tracts across a contiguous geography; (2) The rate of overall poverty or Extremely Low Income rate (whichever is greater) of residents within the Promise Zone must be over 33 percent; (3) Promise Zone boundaries must encompass a population of at least 10,000 but no more than 200,000 residents; and (4) Local leadership, including the mayors of jurisdictions represented in the Promise Zone, must demonstrate commitment to the Promise Zone effort. No substantive or technical corrections will be accepted or reviewed after the application deadline. The draft *Second Round Application Guide* can be found at *www.hud.gov/promisezones*.

Under the second round process under consideration, only one Promise Zone application may be submitted within a UGLG per application cycle. If more than one application is submitted for a Promise Zone meeting the qualifying criteria, the one submitted with local government support will be accepted. If more than one application is submitted with local government support, all of the applications from that UGLG will be disqualified for the current application cycle. If a Promise Zone designated in Round 1 is located within a UGLG in which a new application is being made, the applicant is directed to include an explanation of how, if a second Promise Zone designation is made, the UGLG plans to work with all of the Promise Zone designees at the same time and sustain the level of effort, resources and support committed to each Promise Zone under its respective Promise Zone plan for the full term of each Promise Zone designation. This explanation should be evidenced by commitments from the UGLG in materials submitted by the mayor or local official in support of the application.

Solicitation of Comment

Prior to commencement of the second round of designations, HUD seeks to take advantage of experience with the first round applicants to develop aspects of the Promise Zones initiative, so that the initiative can support other communities more effectively in future years. In this regard, HUD welcomes feedback from first round applicants, and comment from other interested parties and the public generally, on the first round of the Promise Zones initiative, and on the proposed selection process for the second round of the Promise Zone initiative. HUD specifically seeks comment on the draft *Second Round Application Guide,* which can be found at *www.hud.gov/promisezones*. After fully considering comments, a final draft *Second Round Application Guide* may be posted at least 30 days before final application materials are posted.

[4] Unit of general local government as defined in section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)). *See definition (a)(1) Unit of General Local Government.*

Dated: April 10, 2014.

Valerie Piper,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 2014–08772 Filed 4–16–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2014–N012; FF09E15000–FXHC112509CBRA1–145]

John H. Chafee Coastal Barrier Resources System; Availability of Final Revised Maps for Delaware, North Carolina, South Carolina, Florida, and Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Coastal Barrier Resources Act (CBRA) requires the Secretary of the Interior (Secretary) to review the maps of the John H. Chafee Coastal Barrier Resources System (CBRS) at least once every 5 years and make any minor and technical modifications to the boundaries of the CBRS as are necessary to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces. The U.S. Fish and Wildlife Service (Service) has conducted this review and has prepared final revised maps for all of the CBRS units in Delaware, all units in South Carolina (including one unit that crosses the State boundary into North Carolina), all units in Texas, and one unit in Florida. The maps were produced by the Service in partnership with the Federal Emergency Management Agency (FEMA) and in consultation with the appropriate Federal, State, and local officials. This notice announces the findings of the Service's review and the availability of final revised maps for 69 CBRS units. The final revised maps for these CBRS units, dated December 6, 2013, are the official controlling CBRS maps for these areas.

DATES: Changes to the CBRS depicted on the final revised maps, dated December 6, 2013, become effective on April 17, 2014.

ADDRESSES: For information about how to get copies of the maps or where to go to view them, see **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Katie Niemi, Coastal Barriers Coordinator, Division of Budget and Technical Support, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 840, Arlington, VA 22203; telephone (703) 358–2071; or electronic mail (email) *CBRA@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Background information on the CBRA (CBRA; 16 U.S.C. 3501 et. seq.) and the CBRS, as well as information on the digital conversion effort and the methodology used to produce the revised maps, can be found in a notice the Service published in the **Federal Register** on August 29, 2013 (78 FR 53467).

For how to access the final revised maps, see the Availability of Final Maps and Related Information section below.

Announced Map Modifications

This notice announces modifications to the maps for all of the CBRS units in Delaware, all units in South Carolina (including one unit that crosses that State boundary into North Carolina), all units in Texas, and one unit in Florida. Most of the modifications were made to reflect changes to the CBRS units as a result of natural forces (e.g., erosion and accretion). The CBRA requires the Secretary to review the CBRS maps at least once every 5 years and make, in consultation with the appropriate Federal, State, and local officials, any minor and technical modifications to the boundaries of the CBRS as are necessary to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces (16 U.S.C. 3503(c)).

Additionally, one of the maps for South Carolina also includes a voluntary addition to the CBRS that was requested by the owners of the property. The CBRA authorizes the Secretary to add a parcel of real property to the CBRS if the parcel is an undeveloped coastal barrier and the owner of the parcel requests, in writing, that the Secretary add the parcel to the CBRS (16 U.S.C. 3503(d)).

The Service's review resulted in a set of 87 final revised maps, dated December 6, 2013, depicting a total of 69 CBRS units. The set of maps is comprised of 7 maps for 10 CBRS units located in Delaware, 24 maps for 23 CBRS units located in South Carolina (including 1 unit that crosses the State boundary into North Carolina), 55 maps for 35 CBRS units located in Texas, and 1 map for 1 CBRS unit located in Florida. The Service found that 62 of the 69 units reviewed had experienced changes in their size or location as a result of natural forces since they were last mapped. The revised maps were produced by the Service in partnership with FEMA.

The Service is specifically notifying the following stakeholders concerning the availability of the final revised maps: the Chair and Ranking Member of the House of Representatives Committee on Natural Resources; the Chair and Ranking Member of the Senate Committee on Environment and Public Works; the members of the Senate and House of Representatives for the affected areas; the Governors of the affected areas; and other appropriate Federal, State, and local officials.

Consultation With Federal, State, and Local Officials

Consultation and Comment Period

The CBRA requires consultation with the appropriate Federal, State, and local officials (stakeholders) on the proposed CBRS boundary modifications to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces (16 U.S.C 3503(c)). The Service fulfilled this requirement by holding a 32-day comment period on the draft maps (dated November 30, 2012) for Federal, State, and local stakeholders, from August 29, 2013, through September 30, 2013. This comment period was announced in a notice published in the **Federal Register** (78 FR 53467) on August 29, 2013.

Formal notification of the comment period was provided via letters to approximately 175 stakeholders, including the Chair and Ranking Member of the House of Representatives Committee on Natural Resources; the Chair and Ranking Member of the Senate Committee on Environment and Public Works; the members of the Senate and House of Representatives for the affected areas; the Governors of the affected areas; the local elected officials of the affected areas; and other appropriate Federal, State, and local officials.

Comments and Service Responses

The Service received written comments and/or acknowledgements from the following seven stakeholders (in no particular order):

1. *FEMA:* FEMA had no comment on the proposed modifications.

2. *U.S. Army Corps of Engineers (Corps) Philadelphia District:* The Corps provided comments on two CBRS units in Delaware, Units DE–06 and H00, and requested that the Service reassess the CBRS designation affecting particular areas within these two units. The Corps indicated that they conduct beach nourishment both north and south of Unit DE–06, and that residential development has occurred in these areas subsequent to the CBRS designation.

The Corps indicated that they may conduct maintenance dredging in an inlet within Unit H00 and make repairs to the jetty system in the future, and that there are potential habitat restoration projects within the unit that could be affected by the CBRS designation. The Corps also indicated that land ownership within Unit H00 has changed since its initial designation, and that part of the unit is now within a National Wildlife Refuge.

Service Response to the Corps Comments: Changes to the CBRS boundaries depicted on the maps dated December 6, 2013, are limited to the administrative modifications the Secretary is authorized to make under the CBRA (16 U.S.C. 3503(c)–(e)). Changes that are outside the scope of this authority must be made through the comprehensive map modernization process, which is more time and resource intensive because it entails significant research, public review, and Congressional enactment of the revised maps. Additional information about CBRS digital conversion and comprehensive map modernization can be found in the ''Digital Conversion of the CBRS Maps'' section of the notice published by the Service in the **Federal Register** on August 29, 2013 (78 FR 53467). The Service will consider the information provided by the Corps when this area is reviewed through the comprehensive map modernization effort. However, the Service does not recommend removing lands or aquatic habitat from the CBRS unless there is compelling evidence that a technical mapping error led to the inclusion of the area in the CBRS. Development that occurs subsequent to the original CBRS designation does not constitute grounds for removal of lands or aquatic habitat from the CBRS.

Regarding the issue of potential habitat restoration projects within the CBRS, there are some exceptions to the CBRA's Federal funding restrictions (16 U.S.C. 3505) that may apply, depending on the project. If the proposed project or action is within a System unit of the CBRS, the Federal funding agency must consult with the Service's local field office to determine whether or not any of the exceptions under the CBRA are applicable. The Service's response to a consultation request is in the form of an opinion only. The Federal funding agency is responsible for complying with the provisions of CBRA.

3. *State of Delaware Department of Natural Resources and Environmental Control:* The State of Delaware had no specific comments on the proposed modifications, but noted the need for boundary revisions in areas where substantive issues may exist. These substantive issues include ''the possible inadvertent inclusion of private lands in Otherwise Protected Areas, and CBRS boundaries which cross private subdivisions in configurations which may not be consistent with the original definition of an 'undeveloped barrier island.'''

Service Response to the State of Delaware Comments: Changes to the CBRS boundaries depicted on the maps dated December 6, 2013, are limited to the administrative modifications the Secretary is authorized to make under the CBRA (16 U.S.C. 3503(c)–(e)). Changes that are outside the scope of this authority must be made through the comprehensive map modernization process, which is more time and resource intensive because it entails significant research, public review, and Congressional enactment of the revised maps. Additional information about CBRS digital conversion and comprehensive map modernization can be found in the ''Digital Conversion of the CBRS Maps'' section of the notice published by the Service in the **Federal Register** on August 29, 2013 (78 FR 53467). The Service will consider the information provided by the State of Delaware when this area is reviewed through the comprehensive map modernization effort. However, the Service does not recommend removing lands or aquatic habitat from the CBRS unless there is compelling evidence that a technical mapping error led to the inclusion of the area in the CBRS.

4. *State of South Carolina Department of Health and Environmental Control:* The State of South Carolina had no comment on the proposed modifications.

5. *Town of Pawleys Island, South Carolina:* The Town of Pawleys Island requested that the CBRS boundary at the northern end of the town (which is the southern boundary of Unit M02) be moved northward of the jetty at the south side of Midway Inlet.

Service Response to the Town of Pawleys Island Comments: The Service has reviewed the southern boundary of Unit M02 and found that the boundary was accurately transferred from the official 1990 CBRS map for the area to the new base map. Changes to the CBRS boundaries depicted on the maps dated December 6, 2013, are limited to the administrative modifications the Secretary is authorized to make under the CBRA (16 U.S.C. 3503(c)–(e)). Changes that are outside the scope of this authority must be made through the comprehensive map modernization process, which is more time and resource intensive because it entails significant research, public review, and Congressional enactment of the revised maps. Additional information about CBRS digital conversion and comprehensive map modernization can be found in the ''Digital Conversion of the CBRS Maps'' section of the notice published by the Service in the **Federal Register** on August 29, 2013 (78 FR 53467). The Service will consider the information provided by the Town of Pawleys Island when this area is reviewed through the comprehensive map modernization effort. However, the Service does not recommend removing lands or aquatic habitat from the CBRS unless there is compelling evidence that a technical mapping error led to the inclusion of the area in the CBRS.

6. *State of Florida Department of Environmental Protection State Clearinghouse:* The State of Florida had no comment on or objection to the proposed modifications in Florida.

7. *City of Corpus Christi, Texas:* The City of Corpus Christi had no comment on the proposed modifications.

Interested parties may contact the Service individual identified in the **FOR FURTHER INFORMATION CONTACT** section above to make arrangements to view copies of the comments received during the stakeholder review period.

No Changes to Draft Maps

The Service made no changes to the CBRS boundaries depicted on the draft maps dated November 30, 2012, as a result of the summer 2013 comment period (August 29, 2013, 78 FR 53467). The CBRS boundaries depicted on the final revised maps, dated December 6, 2013, are identical to the CBRS boundaries depicted on the draft revised maps dated November 30, 2012.

Summary of Modifications to the CBRS Boundaries

Below is a summary of the changes depicted on the final revised maps dated December 6, 2013.

Delaware

The Service's review found all 10 of the CBRS units in Delaware to have changed due to natural forces.

DE–01: LITTLE CREEK UNIT. The landward boundary of the unit has been modified to reflect natural changes that have occurred in the configuration of the marsh and wetland/fastland interface. The boundary has also been modified to reflect channel migration along Lewis Ditch. The seaward boundary of the excluded area was modified to account for shoreline erosion along the Delaware Bay.

DE–01P: LITTLE CREEK UNIT. The landward boundary of the unit has been modified to reflect natural changes that have occurred in the configuration of the marsh

and wetland/fastland interface. The boundary has been modified to reflect channel migration and erosion along Kellys Ditch, Lewis Ditch, and several small unnamed creeks. The boundary has also been modified to account for erosion at the mouth of the St. Jones River.

DE–02P: BEACH PLUM ISLAND UNIT. The landward boundary of the unit has been modified to reflect natural changes that have occurred in the configuration of the marsh and wetland/fastland interface. The boundary has also been modified to account for channel migration and erosion along Broadkill River, Doty Glade, Old Mill Creek, and Canary Creek. The name of this unit has been changed from ''Plum Beach Island'' to ''Beach Plum Island'' to correctly identify the underlying barrier feature.

DE–03P: CAPE HENLOPEN UNIT. The boundary of the unit has been modified to account for erosion along the Lewes and Rehoboth Canal, as well as erosion and channel migration of an unnamed stream.

DE–06: SILVER LAKE UNIT. The landward boundary of the unit has been modified to account for erosion and accretion along the shoreline of Silver Lake.

DE–07P: DELAWARE SEASHORE UNIT. The boundary of the unit has been modified to account for shoreline erosion at the tip of Cedar Neck.

DE–08P: FENWICK ISLAND UNIT. The landward boundary of the unit has been modified to account for erosion and channel migration along Miller Creek and an unnamed stream. The landward boundary has also been modified to account for marsh erosion along the western shoreline of Little Assawoman Bay.

H00: BROADKILL BEACH UNIT. The landward boundary of the unit has been modified to reflect natural changes that have occurred in the configuration of the marsh and wetland/fastland interface. The boundary has also been modified to account for channel migration and erosion along the Murderkill River, Brockonbridge Gut, Mispillion River, Cedar Creek, Primehook Creek and several small unnamed streams. The seaward boundary of the excluded area has been modified to account for shoreline erosion along Delaware Bay.

H00P: BROADKILL BEACH UNIT. The landward boundary of the unit has been modified to reflect natural changes that have occurred in the configuration of the marsh and wetland/fastland interface. The boundary has also been modified to account for channel migration and erosion along Brockonbridge Gut, Mispillion River, Broadkill River, and several small unnamed streams.

H01: NORTH BETHANY BEACH UNIT. The landward boundary of the unit has been modified to account for erosion and channel migration of an unnamed stream.

South Carolina

The Service's review found all 23 of the CBRS units in South Carolina (including one unit, M01, that crosses the State boundary into North Carolina) to have changed due to natural forces. The final revised map for Unit SC–01 incorporates a voluntary addition to the CBRS requested by the owners of a property in Horry County, South Carolina.

M01: WAITES ISLAND COMPLEX. The boundary of the unit has been modified to reflect natural changes that have occurred in the configuration of the marsh, wetland/fastland interface, and the locations of House Creek, Little River, the Intracoastal Waterway, a small unnamed creek, and Hog Inlet. Due to the dynamic nature of the adjacent barrier to the south of the unit, the southern lateral boundary has been generalized and placed at the southern side of Hog Inlet. The South Carolina and North Carolina segments of this unit have been combined into a simple map for simplicity and clarity.

M02: LITCHFIELD BEACH UNIT. The landward boundary of the unit has been modified to account for channel migration along Clubhouse Creek, wetlands loss, and the accretion of the Litchfield Beach sand spit and associated shoals.

M03: PAWLEYS INLET UNIT. The boundary of the unit has been modified to include emergent marsh, account for channel migration at the north end of the unit, and reflect natural changes to the wetland/fastland interface on the landward side of the unit.

M04: DEBIDUE BEACH UNIT. The boundary of the unit has been modified to account for channel migration along Debidue and Jones Creeks. The boundary has been modified to reflect natural changes to the wetland/fastland interface on the landward side of the unit, and to keep all of North Island in the adjacent unit to the south (Unit SC–04).

M05: DEWEES ISLAND COMPLEX. The boundary of the unit has been modified to account for natural changes in the wetlands and channel migration along Whiteside Creek, Dewees Creek, and Capers Inlet. The boundary has been modified to reflect natural changes to the wetland/fastland interface on the mainland as well as along the northern side of Dewees Island.

M06: MORRIS ISLAND COMPLEX. Portions of the unit's landward boundary have been modified to account for natural changes to the wetland/fastland interface. The boundary has been modified to address channel migration and wetlands loss along Folly Creek, Rat Island Creek, and several other minor channels. The boundary has been modified to account for erosion at the tip of the sand spit on the northern end of Folly Island. Several portions of the boundary have been generalized where the underlying features that the boundary originally followed (e.g., wetlands and minor channels) no longer exist and suitable substitutes were not identified.

M07: BIRD KEY COMPLEX. Portions of the unit's boundary have been modified to account for channel migration along Folly River, Stono River, and Bass Creek. Portions of the landward boundary have been modified to reflect natural changes to the wetland/fastland interface. Several portions of the boundary have been generalized where the underlying features that the boundary originally followed (e.g., wetlands and minor channels) no longer exist and suitable substitutes were not identified.

M07P: BIRD KEY COMPLEX. Portions of the unit's boundary have been modified slightly to account for channel migration along Folly River.

M08: CAPTAIN SAMS INLET UNIT. The eastern boundary of the unit has been modified to account for channel migration along Kiawah River and Captain Sams Creek. The landward boundary has been modified to address natural changes to the wetland/fastland interface.

M09: EDISTO COMPLEX. The boundary of the unit has been modified to account for channel migration along North Edisto River, Ocella Creek, and Jeremy Inlet. The landward boundary has been modified to reflect natural changes to the wetland/fastland interface. The offshore boundary has been extended to clarify the inclusion of Deveaux Bank within the unit.

M09P: EDISTO COMPLEX. The boundary of the unit has been modified to account for channel migration along Jeremy Inlet and Scott Creek.

M10: OTTER ISLAND UNIT. The boundary of the unit has been modified to account for channel migration along South Edisto River and Two Sisters Creek. The boundary has been modified to reflect natural changes in the wetland/fastland interface.

M11: HARBOR ISLAND UNIT. The boundary of the unit has been modified to account for erosion and wetlands loss along Harbor River and Ward Creek and to remove a portion of Harbor Island, which has accreted into the unit but was intended to be excluded. The boundary has been modified to reflect natural changes in the wetland/fastland interface.

M12: ST. PHILLIPS ISLAND UNIT. The boundary of the unit has been modified to account for channel migration, wetlands loss, and spit accretion along Skull Creek and Skull Inlet. The boundary has been modified to account for channel migration along Story River and an unnamed tributary. The landward boundary has been modified to reflect natural changes to the wetland/fastland interface.

M13: DAUFUSKIE ISLAND UNIT. The northern lateral boundary of the unit has been moved northward to account for an accreting sand spit and associated shoals. The boundary has been modified to address channel migration along Mungen Creek, New River, and an unnamed stream.

SC–01: LONG POND UNIT. A segment of the boundary in the northern portion of the unit has been modified to account for channel migration and erosion. The portions of the Meher Spiritual Center that were not already within the unit have been added based on a voluntary addition request made by the owners of the property to the Secretary of the Interior.

SC–03: HUNTINGTON BEACH UNIT. The northern boundary of the unit along Main Creek has been modified to account for natural changes at the southern tip of Garden City Beach north of Murrells Inlet. Portions of the boundary have been modified to account for channel migration along Oaks Creek and natural changes that have occurred

in the configuration of the wetland/fastland interface.

SC–04: NORTH/SOUTH ISLANDS UNIT. The boundary of the unit has been modified to account for natural changes in the wetland/fastland interface and channel migration in North Santee Bay. The boundary has been modified to keep all of North Island and South Island, which have both been accreting into adjacent units, in Unit SC–04.

SC–05P: SANTEE UNIT. The boundary of the unit has been modified to account for channel migration along North Santee Bay and the South Santee River. The landward boundary has been modified to reflect natural changes to the wetland/fastland interface. A portion of Cape Island has accreted out of adjacent Unit SC–06P and into Unit SC–05P, but because it is unclear whether this portion of the coincident boundary between the two units is based on an established property boundary, the boundary has not been modified.

SC–06P: CAPE ROMAIN UNIT. The boundary of the unit has been modified to reflect natural changes to the wetland/fastland interface. It has been modified to address channel migration and wetlands loss along Bull Narrows, Price Creek, and several other minor channels. A portion of Cape Island has accreted out of Unit SC–06P and into adjacent Unit SC–05P, but because it is unclear whether this portion of the coincident boundary between the two units is based on an established property boundary, the boundary has not been modified.

SC–07P: CAPERS ISLAND UNIT. The landward boundary of the unit has been modified to reflect natural changes to the wetland/fastland interface. The boundary has been modified to account for channel migration and wetlands loss along Bull Narrows, Price Creek, Whiteside Creek, Capers Inlet, and several other minor channels.

SC–09P: HUNTING ISLAND UNIT. The boundary of the unit has been modified to account for erosion and wetlands loss along Harbor River, and channel migration in the unnamed channel upstream of Fripps Inlet.

SC–10P: TURTLE ISLAND UNIT. The boundary has been modified to account for channel migration along New River, Wright River, and Walls Cut.

Florida

The Service's review found that Unit FL–87P (the only CBRS unit in Florida that was part of this review) had changed due to natural forces. The other CBRS units in Florida were not assessed as part of this review.

FL–87P: ANCLOTE KEY UNIT. The boundaries of the unit have been extended to the north, east, and south in order to capture the entire sand-sharing system of Anclote Key and to include a portion of Anclote Key that has accreted south outside of the existing boundaries.

Texas

The Service's review found 28 of the 35 CBRS units in Texas to have changed due to natural forces. The final revised map for Unit T03A corrects a transcription error that was made in 1990 for an area located in Galveston County, Texas.

T02A: HIGH ISLAND UNIT. The boundary of the unit has been modified to reflect natural changes to the southern edge of the Intracoastal Waterway.

T03A: BOLIVAR PENINSULA UNIT. The boundary of the unit has been modified to reflect natural changes in the configuration of the wetlands on and around the Bolivar Peninsula and along the Intracoastal Waterway. A small overwash fan has been added to the southern segment of the unit. Additionally, the excluded area of the southern segment of the unit and a portion of the southwestern boundary of the southern segment of the unit were modified (by approximately 80 feet and 230 feet respectively) to correct an error in the transcription of the boundary from the draft map that was reviewed and approved by Congress to the official map dated October 24, 1990, for this unit. This area was correctly depicted on the original 1982 official map for Unit T03A, as well as on the draft map for Unit T03A contained in the Service's *1988 Report to Congress: Volume 19, Texas (North Coast).* This correction is supported by an assessment of the historical maps for this area, as well as by the legislative history of the Coastal Barrier Improvement Act of 1990 (Pub. L 101–591).

T03AP: BOLIVAR PENINSULA UNIT. A portion of the boundary at the southwestern end of the unit has been modified to reflect natural changes along the Gulf-fronting shoreline near Port Bolivar.

T04: FOLLETS ISLAND UNIT. The boundary of the unit has been modified to account for natural changes to the landward side of Follets Island, the southern side of the Intracoastal Waterway, and the configuration of the wetlands along Mud Island. The seaward boundaries of the excluded areas have been modified to account for erosion along the Gulf-fronting shoreline of Follets Island.

T04P: FOLLETS ISLAND UNIT. The boundary of the unit has been modified to account for natural changes to the landward side of Follets Island, the southern side of the Intracoastal Waterway, and the configuration of the wetlands along Mud Island.

T05: BRAZOS RIVER COMPLEX. The boundary of the unit has been adjusted to account for natural changes along the southern edge of the Intracoastal Waterway. The boundary of the southern segment of the unit located landward of the Intracoastal Waterway has been modified in some places to reflect natural changes to the wetlands and the eastern edge of the San Bernard River.

T05P: BRAZOS RIVER COMPLEX. Portions of the landward boundary at the northern end of the unit have been modified to account for natural changes to the southern edge of the Intracoastal Waterway.

T06: SARGENT BEACH UNIT. Portions of the unit's boundary have been modified to account for wetlands loss and to follow the northern edge of the barrier located just to the south of the Cedar Lakes. The coincident boundary between Units T06 and T06P has been generalized in places where the configuration of the barrier feature has changed. The lateral portion of the coincident boundary between the two units has not been modified because it is unclear whether that portion of the boundary is based on an established property boundary.

T06P: SARGENT BEACH UNIT. Portions of the landward boundary at the northern end of the unit have been modified to account for natural changes to the southern edge of the Intracoastal Waterway. Portions of the boundary have been modified to account for wetlands loss and to follow the northern edge of the barrier located just to the south of the Cedar Lakes. The coincident boundary between Units T06 and T06P has been generalized in places where the configuration of the barrier feature has changed. The lateral portion of the coincident boundary between the two units has not been modified because it is unclear whether that portion of the boundary is based on an established property boundary.

T07: MATAGORDA PENINSULA UNIT. The coincident boundary between Units T07 and T07P has been generalized in order to account for natural changes to the edge of the wetlands and the shoreline on the landward side of the Matagorda Peninsula and a strip of spoil islands behind the peninsula along the Intracoastal Waterway. These boundaries have been generalized because of the highly dynamic nature of the barrier. Wetlands located to the west of the Colorado River on the landward side of the unit were added to the unit. An historic inlet towards the southern end of the Matagorda Peninsula that has closed since the map was last updated has been reclassified from T07P (an otherwise protected area) to T07 (a System unit).

T07P: MATAGORDA PENINSULA UNIT. The coincident boundary between Units T07 and T07P has been generalized in order to account for natural changes to the edge of the wetlands and the shoreline on the landward side of the Matagorda Peninsula and strip of spoil islands behind the peninsula along the Intracoastal Waterway. These boundaries have been generalized because of the highly dynamic nature of the barrier. Wetlands around the mouth of a channel that empties into Matagorda Bay (located just west of the Colorado River) have been added to the unit. An historic inlet towards the southern end of the Matagorda Peninsula that has closed since the map was last updated has been reclassified from T07P (an otherwise protected area) to T07 (a System unit).

T08: SAN JOSE ISLAND COMPLEX. The coincident boundaries between Units T08 and TX–06P and between Units T08 and T08P have been modified to account for natural changes along certain channels within the wetlands on the landward side of Matagorda Island, along the edge of the wetlands behind Matagorda Island and San Jose Island, and along the shoreline of the barrier. An historic inlet at Cedar Bayou between San Jose Island and Matagorda Island that has closed since the map was last updated has been reclassified from T08P (an otherwise protected area) to T08 (a System unit).

T08P: SAN JOSE ISLAND COMPLEX. The landward boundary of most of the unit has

been modified to account for natural changes along the southern edge of the Intracoastal Waterway. The coincident boundaries between Units T08P and TX–06P and between Units T08P and T08 have been adjusted to account for natural changes along certain channels within the wetlands on the landward side of Matagorda Island, along the edge of the wetlands behind Matagorda Island and San Jose Island, and along the shoreline of the barrier. An historic inlet at Cedar Bayou between San Jose Island and Matagorda Island that has closed since the map was last updated has been reclassified from T08P (an otherwise protected area) to T08 (a System unit).

T11, T11P: SOUTH PADRE ISLAND UNIT. The coincident boundary between Units T11 and T11P has been modified in some places to better follow a break between the Laguna Madre and South Padre Island that is visible on the base imagery.

T12: BOCA CHICA UNIT. Portions of the boundary of the unit have been modified to account for natural changes to the wetland/fastland interface as visible on the base imagery. The northern boundary of the unit has been modified to account for natural changes to the shoreline. Two narrow strips that were not included in the original unit were added to the southwestern portion of the unit. These strips include both wetlands and fastlands that are not connected to the mainland and are part of the barrier system. The boundary along the mouth of the Rio Grande has been moved northward to account for erosion of the barrier on the U.S. side of the river and accretion of the barrier on the Mexico side.

T12P: BOCA CHICA UNIT. Portions of the western boundary of the southern segment of the unit have been modified to reflect natural changes to the wetland/fastland interface as visible on the base imagery.

TX–02P: MCFADDIN UNIT. The boundary of the unit has been modified to reflect natural changes to the southern edge of the Intracoastal Waterway and to the northern shoreline of Star Lake.

TX–04, TX–04P: SWAN LAKE UNIT. The coincident boundary between the units has been generalized due to the erosion of the underlying barrier feature in Swan Lake that it was originally following. The landward boundary of both units has been modified to reflect natural changes in the wetland/fastland interface and the shoreline.

TX–06P: MATAGORDA ISLAND UNIT. The landward boundary of most of the unit has been modified to account for natural changes along the southern edge of the Intracoastal Waterway. The coincident boundaries between Units TX–06P and T08P and between Units TX–06P and T08 at the southern end of the unit have also been modified due to natural changes along certain channels within the wetlands on the landward side of Matagorda Island.

TX–09: COON ISLAND BAY UNIT. Portions of the landward boundary of the unit have been modified to account for natural changes to the wetland/fastland interface and the shoreline.

TX–10: SHELL BEACH UNIT. Portions of the landward boundary of the unit have been modified to account for natural changes to the wetland/fastland interface. An area of wetlands along the northern lateral boundary was added to the unit.

TX–15P: MUSTANG ISLAND UNIT. Portions of the southern boundary of the unit located to the northwest of Packery Channel Park have been modified to account for natural changes to the wetland/fastland interface. Another portion of the southern part of the boundary has been adjusted to the western edge of Packery Channel.

TX–17, TX–17P: SHAMROCK ISLAND UNIT. The coincident boundary between TX–17 and TX–17P has been generalized and straightened, because Shamrock Island has eroded significantly and in some places there is no longer a feature for the boundary to follow. The southern boundary of both units has been moved slightly southward to account for accretion at the south end of Shamrock Island.

TX–19: STARVATION POINT UNIT. The landward boundary of the unit has been modified to account for the eroding shoreline and natural changes to the wetland/fastland interface. The boundary has been modified to include the entire sand-sharing system of the barrier feature around Starvation Point in the unit.

TX–21: KLEBERG POINT UNIT. The landward boundary of the unit has been modified to account for the eroding shoreline and changes to the wetland/fastland interface. The boundary has been modified to include the entire sand-sharing system of the barrier feature around Kleberg Point in the unit.

Availability of Final Maps and Related Information

The final revised maps dated December 6, 2013, and digital boundary data can be accessed and downloaded from the Service's Web site: *http://www.fws.gov/CBRA*. The digital boundary data are available for reference purposes only. The digital boundaries are best viewed using the base imagery to which the boundaries were drawn; this information is printed in the title block of the maps. The Service is not responsible for any misuse or misinterpretation of the digital boundary data.

Interested parties may also contact the Service individual identified in the **FOR FURTHER INFORMATION CONTACT** section above to make arrangements to view the final maps at the Service's Headquarters office. Interested parties who are unable to access the maps via the Service's Web site or at the Service's Headquarters office may contact the Service individual identified in the **FOR FURTHER INFORMATION CONTACT** section above, and reasonable accommodations will be made to ensure the individual's ability to view the maps.

Gary Frazer,

Assistant Director for Ecological Services.

[FR Doc. 2014–08798 Filed 4–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L12200000.AL 0000]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council (DAC) to the Bureau of Land Management (BLM), U.S. Department of the Interior, will participate in a field tour of BLM-administered public lands on Friday, May 9, 2014, from 8:30 a.m. to 4:30 p.m. and will meet in formal session on Saturday, May 10, 2014, from 8:00 a.m. to 4:30 p.m. in Needles, CA. The location of the Saturday public meeting is yet to be determined. Agenda for the Saturday meeting will include updates by council members, the BLM California Desert District Manager, five Field Managers, and Council Subgroups. Final agenda items for the field trip, the public meeting, and meeting location will be posted on the DAC Web page at *http://www.blm.gov/ca/st/en/info/rac/dac.html* when finalized.

SUPPLEMENTARY INFORMATION: All DAC meetings are open to the public. Public comment for items not on the agenda will be scheduled at the beginning of the meeting Saturday morning. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics on the agenda.

While the Saturday meeting is tentatively scheduled from 8:00 a.m. to 4:30 p.m., the meeting could conclude prior to 4:30 p.m. should the council conclude its presentations and discussions. Therefore, members of the public interested in a particular agenda item or discussion should schedule their arrival accordingly.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, External Affairs, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION CONTACT: Stephen Razo, BLM California Desert District External Affairs, (951) 697–5217.

Dated: April 3, 2014.

Teresa A. Raml,

California Desert District Manager.

[FR Doc. 2014–08719 Filed 4–16–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CR–14624; PPWOCRADI0, PCU00RP14.R50000]

Proposed Information Collection; Procedures for State, Tribal, and Local Government Historic Preservation Programs

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public; State, Tribal, and local government partners; and, other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on August 31, 2014. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by June 16, 2014.

ADDRESSES: Send your comments on the IC to Madonna L. Baucum, Information Collection Clearance Officer, National Park Service, 1849 C Street NW. (2601), Washington, DC 20240 (mail); or *madonna_baucum@nps.gov* (email). Please include ''1024–0238'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact John Renaud, National Park Service, 1849 C Street NW. (2601), Washington, DC 20240 (mail); *John_Renaud@nps.gov* (email); or at (202) 371–1794 (fax).

SUPPLEMENTARY INFORMATION:

I. Abstract

These information collection requirements impact State, tribal, and local governments that wish to participate formally in the National Historic Preservation Partnership (NHPP) Program, and State and tribal governments that wish to apply for Historic Preservation Fund (HPF) grants. The National Historic Preservation Act, as amended, (16 U.S.C. 470 *et seq.*) established these programs. Implementing regulations at 36 CFR part 61 detail the processes for approval of State and tribal programs, the certification of local governments, and the monitoring and evaluation of State and certified local government programs. We developed the information collection requirements associated with 36 CFR part 61 in consultation with State, tribal, and local government partners.

We use the information to ensure compliance with the National Historic Preservation Act as well as Governmentwide grant requirements and Department of the Interior regulations at 43 CFR part 12. This information collection also produces performance data that we use to assess program effectiveness.

II. Data

OMB Control Number: 1024–0038.

Title: Procedures for State, Tribal, and Local Government Historic Preservation Programs; 36 CFR 61.

Service Form Number(s): None.

Type of Request: Revision of a currently approved collection.

Description of Respondents: State, Tribal, and local governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually or on occasion.

Estimated Number of Respondents: 2,081 (59 States, territories, and the District of Columbia; 155 tribes; and 1,867 certified local governments).

Estimated Number of Annual Responses: 57,003.

Completion Time per Response: Varies from 10 minutes to 625 hours, depending on activity.

Estimated Annual Burden Hours: 55,823.

Estimated Annual Nonhour Cost Burden: $345,000, primarily for photocopying, mailing, office supplies, travel expenses, etc.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 11, 2014.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2014–08728 Filed 4–16–14; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15180; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from Hill and Leon Counties, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995. In 2010, representatives of the Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma, were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation. The Kickapoo Tribe of Oklahoma contacted TAMU with an interest in having these remains repatriated; no representatives from the other tribes contacted TAMU in response to this invitation.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, two individuals were removed from the Kent Creek site (41HL66) in Hill County, TX, by a private individual. At the time of donation to TAMU, it was indicated that these human remains (TAMU NAGPRA 40) dated to the Palo Duro phase (710 A.D. ± 120) based on artifacts recovered from the site. The human remains were determined to be one adult female and one adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed from the Smith site (41LN294) in Leon County, TX, as part of a salvage excavation. At the time of their donation, these human remains (TAMU NAGPRA 41) were indicated to be prehistoric, without further explanation. Analysis of the human remains by physical anthropologists indicates that this individual was of Native American origins. The human remains were determined to be one adult male. No known individuals were identified. No associated funerary objects are present.

Based on geographic location of all the sites in this notice, TAMU staff found it reasonable to trace a shared identity between the human remains in this notice and the following historic groups: Cantona, Ervipiame, Mayeye, Yojuane, Delaware, Kickapoo, Tonkawa, Tunica, Biolixi, and Wichita. Archeological and linguistic evidence, historical records, and/or traditional beliefs indicate that there is a relationship of shared group identity between these historic groups and the present-day Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Texas A&M University is responsible for notifying the Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma, that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08786 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15174; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from the Aspermont Site in Stonewall County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995, and the remains were determined to be ancestral to the Comanche Indians. In 2010, representatives of the Comanche Nation, Oklahoma were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation, but no Comanche Nation, Oklahoma representatives contacted TAMU or visited the remains in response to this invitation.

History and Description of the Remains

Sometime prior to 1995, human remains representing, at minimum, one individual were removed from the Aspermont Site in Stonewall County, TX, and were donated to TAMU. The human remains were determined to be one adult male (TAMU–NAGPRA 59). No known individuals were identified. No associated funerary objects are present. Based on the geographic location of the site, TAMU staff found it reasonable to trace a shared identity from this site to the Comanche Nation, Oklahoma.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Comanche Nation, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Comanche Nation, Oklahoma may proceed.

Texas A&M University is responsible for notifying the Comanche Nation, Oklahoma that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08807 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15173; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from Granado Cave in Culberson County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995, and the remains were determined to be ancestral to the Mescalero Apache. In 2010, representatives of the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation, but no representatives contacted TAMU or visited the remains in response to this invitation.

History and Description of the Remains

In 1978, human remains representing, at minimum, four individuals were removed from Granado Cave in Culberson County, TX. The human remains were determined to be one adult of indeterminate sex; two subadults; and one infant (TAMU–NAGPRA 55). No known individuals were identified. No associated funerary objects are present. Based on the geographic location and artifact assemblage recovered from this site, TAMU staff found it reasonable to trace a shared identity from this site to the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced

between the Native American human remains and the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico may proceed.

Texas A&M University is responsible for notifying the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08804 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15178; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from Live Oak and Williamson Counties, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995. In 2010, representatives of the Kickapoo Tribe of Oklahoma and the Tonkawa Tribe of Indians of Oklahoma were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation. The Kickapoo Tribe of Oklahoma contacted TAMU with an interest in having these remains repatriated; no representatives from the Tonkawa Tribe of Indians of Oklahoma contacted TAMU in response to this invitation.

History and Description of the Remains

Sometime prior to 1995, human remains representing, at minimum, one individual were removed from private land in Williamson County, TX. The human remains were determined to one adult male (TAMU–NAGPRA 58). Analysis of the human remains by physical anthropologists indicates that this individual is of Native American origins. No known individuals were identified. No associated funerary objects are present.

Sometime prior to 1995, human remains representing, at minimum, one individual were removed from private land in Live Oak County, TX. The human remains were determined to one adult female (TAMU–NAGPRA 64), and the archeologists at the time indicated that this individual dated to the ''prehistoric period.'' Analysis of the human remains by physical anthropologists indicates that this individual is of Native American origins. No known individuals were identified. No associated funerary objects are present.

Based on geographic location, TAMU staff found it reasonable to trace a shared identity from the sites listed in this notice to the Kickapoo Tribe of Oklahoma and the Tonkawa Tribe of Indians of Oklahoma.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 2 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Kickapoo Tribe of Oklahoma and the Tonkawa Tribe of Indians of Oklahoma

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Kickapoo Tribe of Oklahoma and the Tonkawa Tribe of Indians of Oklahoma may proceed.

Texas A&M University is responsible for notifying the Kickapoo Tribe of Oklahoma and the Tonkawa Tribe of Indians of Oklahoma that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08816 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15177; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from Erath, Somervell, and Palo Pinto Counties, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995. In 2010, representatives of the Comanche Nation, Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma, were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation. No representatives from the tribes contacted TAMU in response to this invitation.

History and Description of the Remains

In the spring of 1991, human remains representing, at minimum, one individual were removed from the Trinque Site (41ER27) in Erath County, TX, by volunteers working with the Texas Historical Commission. These human remains were then donated to TAMU. At the time of excavation, the human remains from this site were identified as being from Feature 1 (TAMU–NAGPRA 39). The human remains were determined to be one subadult. Based on the presence of diagnostic projectile points at the site, the human remains were dated to the Austin Phase (800–1350 A.D.). No known individuals were identified. No associated funerary objects are present.

In the fall of 1990, human remains representing, at minimum, two individuals were removed from the Lemens Rockshelter (41SV60) in Somervell County, TX, by private individuals. These remains were then donated to TAMU. At the time of donation, the human remains were identified as late prehistoric, without further explanation. The human remains were determined to be one adult male and one subadult (TAMU–NAGPRA 44). No known individuals were identified. No associated funerary objects are present.

Some prior to 1988, human remains representing, at minimum, one individual were removed from private land in Palo Pinto County, TX, by individuals working for the Upham Oil & Gas Company. These remains were labeled the ''Owen Collection'' and donated to TAMU. At the time of donation, the human remains were identified as late Archaic (800–1500 A.D.), without further explanation. The human remains were determined to be one adult female (TAMU–NAGPRA 62). No known individuals were identified. No associated funerary objects are present.

Based on geographic location of all the sites in this notice, TAMU staff found it reasonable to trace a shared identity between the human remains in this notice and the Comanche Nation, Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Comanche Nation, Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Comanche Nation, Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Texas A&M University is responsible for notifying the Comanche Nation, Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma, that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08818 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15281; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from sites in New Mexico.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995, and the remains were determined to be ancestral to the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildenfonso, New Mexico; Pueblo of Taos, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico. In 2010, representatives of these tribes were invited to consult with TAMU for the purpose of determining the place and manner of repatriation. The Hopi Tribe of Arizona contacted TAMU with an interest in having these remains repatriated. No representatives from the other tribes contacted TAMU in response to this invitation.

History and Description of the Remains

In 1979, human remains representing, at minimum, three individuals were removed from the Old Town site (LA1113) in Luna County, NM, by Dr. Harry Shafer of TAMU. The human remains were determined to be two individuals of indeterminate age and sex (TAMU NAGPRA 68) and one adult of indeterminate sex (TAMU–NAGPRA 75). No known individuals were identified. No associated funerary objects are present. The diagnostic artifacts from this site indicate that these human remains were probably of the Mimbres culture.

At an unknown date, human remains representing, at minimum, one individual were removed from an unknown location in New Mexico by a private individual and donated to Dr. Harry Shafer of TAMU. Dr. Shafer's work in New Mexico focused mostly in Grant County and concerned the Mimbres culture. He has stated that private individuals donated skeletal remains to him over the years associated with this work. Therefore, it is reasonable to assume that these human remains are from the Mogollon culture and probably removed from Grant County, NM. Analysis by physical anthropologists indicates that the human remains are of Native American origin and were determined to be one adult of indeterminate sex (TAMU NAGPRA 67). No known individuals were identified. No associated funerary objects are present.

In 1989, human remains representing, at minimum, one individual were removed from the Oliver site in Grant County, NM, by Dr. Harry Shafer of TAMU as part of a salvage excavation. Curation notes associated with these human remains indicate that they date to the Late Pithouse Period or San Francisco Phase, but no explanation is provided. The human remains were determined to be one adult male (TAMU NAGPRA 69). No known individuals were identified. No associated funerary objects are present.

Based on geographic location of all the sites in this notice and oral traditions concerning migration histories, TAMU staff found it reasonable to trace a relationship of shared group identity between the human remains in this notice and the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildenfonso, New Mexico; Pueblo of Taos, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildenfonso, New Mexico; Pueblo of Taos, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildenfonso, New Mexico; Pueblo of Taos, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico, may proceed.

Texas A&M University is responsible for notifying the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildenfonso, New Mexico; Pueblo of Taos, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: March 13, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–08780 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–14950; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Texas A&M University, College Station, TX. The human remains and associated funerary objects were removed from Morris County, Red River County, and Polk County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995, and the remains were determined to be ancestral Caddo. According to records on file at TAMU, the Caddo Nation of Oklahoma consulted with TAMU at that time and stated their intention to request the repatriation of the remains. In 2010, representatives of the Caddo Nation of Oklahoma were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation, but no Caddo Nation of Oklahoma representatives contacted TAMU or visited the remains in response to this invitation.

History and Description of the Remains

In 1987, human remains and associated funerary objects were removed from the Murphy Branch site (41MX5) in Morris County, TX. At the time of excavation, the human remains and associated funerary objects from this site were identified as being from Burial #3 (TAMU–NAGPRA 1). In 1997, the TAMU Anthropology Collections curator noted that the human remains were missing. These remains are still missing. The three associated funerary objects are one Nash Neck banded jar (Vessel E), one flowerpot shaped vessel with barkman-like design (Vessel F), and one large McKinney Plain sherd. Based on collection records describing the human remains, the objects are associated with the late pre-Contact Caddo.

In the summer of 1991, human remains representing, at minimum, 24 individuals were removed from the Arnold Roitsch site (41RR16R) in Red River County, TX, as part of the Texas Archaeological Society field school/Texas Historical Commission. The human remains were determined to be as follows: From Burial #20 (TAMU–NAGPRA 2), 1 adult of indeterminate sex; from Burial #19 (TAMU–NAGPRA 3), 1 adult male, 1 adult of indeterminate sex, and 1 subadult; from Burial #21 (TAMU–NAGPRA 4), 1 subadult of indeterminate sex; from the Terrace Burial (TAMU–NAGPRA 5), 2 adults of indeterminate sex and 1 subadult; from Burial #18 (TAMU–NAGPRA 6), 1 adult male; from Burial #17 (TAMU–NAGPRA 7), 1 adult female; from Burial #16 (TAMU–NAGPRA 8), 1 adult female; from Burial #15 (TAMU–NAGPRA 9), 1 adult male; from Burial #14 (TAMU–NAGPRA 10), 1 subadult; from Burial #13 (TAMU–NAGPRA 11), 2 adult females, 1 adult male, and 1 subadult; from Burial #12 (TAMU–NAGPRA 12), 1 adult female and 1 subadult; from Burial #11A and 11B (TAMU–NAGPRA 13), 2 adult females and 1 subadult; from Burial #10 (TAMU–NAGPRA 14), 1 adult of indeterminate sex; and from Burial #9 (TAMU–NAGPRA 15), 1 adult male. No known individuals were identified. No associated funerary objects are present. Based on the presence of trade beads, diagnostic ceramic sherds, and pipes found elsewhere at the site, these human remains are attributed to the Caddo culture and are estimated to date from 1000 A.D. to 1740 A.D.

In 1985, human remains representing, at minimum, 1 individual were removed from the Crawford site (41PK69) in Polk County, TX. At the time of excavation, the remains were identified as being from an unnumbered burial (TAMU–NAGPRA 16). The human remains were determined to belong to a single adult male. The remains were determined to be prehistoric Caddo based on type artifacts recovered elsewhere at the site. No known individuals were identified. No associated funerary objects are present.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 25 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 3 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Caddo Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated

funerary objects should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Caddo Nation of Oklahoma may proceed.

Texas A&M University is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: February 3, 2014.

David Tarler,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–08815 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15074; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Texas A&M University, College Station, TX. The human remains and associated funerary objects were removed from Aransas, Brazoria, Harris, Nueces, and Matagorda Counties, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995, and the remains were determined to be ancestral to the historic Coahuiltecan culture. In 2010, representatives of the Tonkawa Tribe of Indians of Oklahoma were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation, but no Tonkawa Tribe of Indians of Oklahoma representatives contacted TAMU or visited the remains in response to this invitation.

History and Description of the Remains

In October 1980, human remains representing, at minimum, seven individuals were removed from the Palm Harbor site (41AS80) in Aransas County, TX, during a salvage project at a construction site. At the time of excavation, the co-mingled remains were not given a site burial designation. The human remains were determined to be two adult females, four adult males, and one subadult. The human remains were donated to TAMU in 1980 (TAMU–NAGPRA 17), and the archeologists at the time indicated that these individuals dated to the Late Archaic Period, possibly the Karankawa culture. No known individuals were identified. No associated funerary objects are present. Based on geographic location, TAMU staff found it reasonable to trace a shared identity from this site to the historic Coahuiltecan culture. Archeological and linguistic evidence, historical records, and traditional beliefs indicate that there is a relationship of shared group identity between the historic Coahuiltecan culture and the present-day Tonkawa Tribe of Indians of Oklahoma.

Between October 1987 and February 1988, human remains representing, at minimum, two individuals were removed from the Alabonson Road site (41HR273) in Harris County, TX, as part of a CRM project jointly conducted by Texas A&M and Prewitt and Assoc., Inc. The human remains were determined to be as follows: From Burial #1 (TAMU–NAGPRA 31), one adult female; and from Burial #2 (TAMU–NAGPRA 32), one adult female. No known individuals were identified. The three associated funerary objects associated with Burial #1 include one lot of fresh water mussel shells found in a circular pattern in chest area, one modified animal bone also found in chest region, and one human canine. No associated funerary objects were associated with Burial #2. Based on the associated funerary remains and the geographic location, TAMU staff found it reasonable to trace a shared identity from this site to the historic Coahuiltecan culture. Archeological and linguistic evidence, historical records, and traditional beliefs indicate that there is a relationship of shared group identity between the historic Coahuiltecan culture and the present-day Tonkawa Tribe of Indians of Oklahoma.

Sometime prior to 1978, human remains representing, at minimum, nine individuals were removed from the Lunde Motte site (41MG35) in Matagorda County, TX, by a private individual, and were donated to TAMU in 1978. The human remains were determined to be nine adults of indeterminate sex (TAMU–NAGPRA 42). No known individuals were identified. No associated funerary objects are present. Based on the geographic location, TAMU staff found it reasonable to trace a shared identity from this site to the historic Coahuiltecan culture. Archeological and linguistic evidence, historical records, and traditional beliefs indicate that there is a relationship of shared group identity between the historic Coahuiltecan culture and the present-day Tonkawa Tribe of Indians of Oklahoma.

Sometime prior to 1995, human remains representing, at minimum, four individuals were removed from the Bauman site (41NU66) in Nueces County, TX, by a private individual, and donated to TAMU. The human remains were determined to be as follows: One adult male; two adults of indeterminate

sex; one subadult (TAMU–NAGPRA 43). No known individuals were identified. No associated funerary objects are present. Based on the geographic location, TAMU staff found it reasonable to trace a shared identity from this site to the historic Coahuiltecan culture. Archeological and linguistic evidence, historical records, and traditional beliefs indicate that there is a relationship of shared group identity between the historic Coahuiltecan culture and the present-day Tonkawa Tribe of Indians of Oklahoma.

In 1983, human remains representing, at minimum, two individuals were removed from the Darrington Point Prison Unit Site in Brazoria County, TX. The human remains were determined to be as follows: One adult male and one adult female (TAMU–NAGPRA 60). No known individuals were identified. No associated funerary objects are present. Based on the geographic location, TAMU staff found it reasonable to trace a shared identity from this site to the historic Coahuiltecan culture. Archeological and linguistic evidence, historical records, and traditional beliefs indicate that there is a relationship of shared group identity between the historic Coahuiltecan culture and the present-day Tonkawa Tribe of Indians of Oklahoma.

Sometime prior to 1995, human remains representing, at minimum, one individual were removed from the surface of the Laguna Madre Bauman site in Nueces County, TX, by a private individual, and donated to TAMU. The human remains were determined to be those of one adult male (TAMU–NAGPRA 61). No known individuals were identified. No associated funerary objects are present. Based on the geographic location, TAMU staff found it reasonable to trace a shared identity from this site to the historic Coahuiltecan culture. Archeological and linguistic evidence, historical records, and traditional beliefs indicate that there is a relationship of shared group identity between the historic Coahuiltecan culture and the present-day Tonkawa Tribe of Indians of Oklahoma.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 25 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 3 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Tonkawa Tribe of Indians of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Tonkawa Tribe of Indians of Oklahoma may proceed.

Texas A&M University is responsible for notifying the Tonkawa Tribe of Indians of Oklahoma that this notice has been published.

Dated: February 19, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08811 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15282; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from Cochise County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995, and the remains were determined to be ancestral to the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Tohono O'odham Nation of Arizona; and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. In 2010, representatives of these tribes were invited to consult with TAMU for the purpose of determining the place and manner of repatriation, but no tribal representatives contacted TAMU in response to this invitation.

History and Description of the Remains

Sometime in the 1980s, human remains representing, at minimum, one individual were removed from the Whitewater Draw II site in Cochise County, AZ, by Dr. Michael Waters of TAMU. The human remains were determined to be one individual of indeterminate age and sex (TAMU

NAGPRA 73). No known individuals were identified. No associated funerary objects are present. The diagnostic artifacts recovered in the same strata and area indicate that these human remains were early prehistoric, possibly Paleoinidian.

In 1985, human remains representing, at minimum, one individual were removed from the Sulphur Springs site (AZ FF:10:14) in Cochise County, AZ, by Dr. Michael Waters of TAMU. The human remains were determined to be one adult female (TAMU NAGPRA 74). No known individuals were identified. No associated funerary objects are present. The diagnostic artifacts recovered from the same site indicate that these remains date to the late Paleoindian or early Archaic period.

Based on the geographic location of these sites, TAMU staff found it reasonable to trace a relationship of shared group identity between the human remains in this notice and the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Tohono O'odham Nation of Arizona; and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Tohono O'odham Nation of Arizona; and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Tohono O'odham Nation of Arizona; and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, may proceed.

Texas A&M University is responsible for notifying the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Tohono O'odham Nation of Arizona; and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, that this notice has been published.

Dated: March 13, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–08814 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15176; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Texas A&M University, College Station, TX. The human remains and associated funerary objects were removed from Burleson County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995. In 2010, representatives of the Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Tunica-Biloxi Indian Tribe were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation. The Kickapoo Tribe of Oklahoma contacted TAMU with an interest in having these remains repatriated; no representatives from the other tribes contacted TAMU in response to this invitation.

History and Description of the Remains

Between July and August 1984, human remains representing, at minimum, five individuals were removed from the Highway 21 Project (41BU16) in Burleson County, TX, as part of a CRM project conducted by Texas A&M under the supervision of TX–DOT. The human remains were determined to be as follows: From Burial #1 (TAMU–NAGPRA 26), one adult female; from Burial #2 (TAMU–NAGPRA 27), one adult female; from Burial #3 (TAMU–NAGPRA 28), one adult female; from Burial #4 (TAMU–NAGPRA 29), one subadult; and Burial #5 (TAMU–NAGPRA 30), one adult

female. No known individuals were identified. A total of six associated funerary objects were recovered with the human remains. The three associated funerary objects found in the vicinity of Burial #1 include one Scallorn point, one unidentified point, and one ceramic sherd. The two associated funerary objects found in the vicinity of Burial #2 include one Gary Point and one quartzite hammerstone. The one associated funerary object found in the vicinity of Burial #3 is the distal fragment of a projectile point. No associated funerary objects were associated with Burial #4 or Burial #5.

In October of 1992, human remains representing, at minimum, three individuals were removed from Buffalo Ranch (41BU52) in Burleson County, TX. The human remains were determined to be as follows: from Burial A also designated Burial 1 (TAMU–NAGPRA 33), 1 adult female; from Burial B also designated Burial 2 (TAMU–NAGPRA 34), 1 adult male; from Burial C (TAMU–NAGPRA 35), 1 adult male. At the time of donation to TAMU, these human remains were identified as ''burials eroding from river bank.'' No known individuals were identified. No associated funerary objects are present.

Sometime prior to March 1996, human remains representing, at minimum, one individual were removed from the banks of the Brazos River in Burleson County, TX, by the Burleson County Sheriff's Department. At the time of donation to TAMU, the human remains (TAMU–NAGPRA 53) were identified as ''probably those of a prehistoric Native American female having belong to a hunting and gathering group.'' Analysis of the human remains by physical anthropologists indicates that this individual was of Native American origins. The human remains were determined to be one adult female. No known individuals were identified. No associated funerary objects are present.

Based on associated funerary objects and/or the geographic location of these remains, TAMU staff found it reasonable to trace a shared identity to late prehistoric Plains tribes of Central Texas. Archeological and linguistic evidence, historical records, and traditional beliefs indicate that there is a relationship of shared group identity between the late prehistoric Plains tribes of Central Texas and the present-day Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Tunica-Biloxi Indian Tribe.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of nine individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the six objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Tunica-Biloxi Indian Tribe.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Tunica-Biloxi Indian Tribe.

Texas A&M University is responsible for notifying the Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Tunica-Biloxi Indian Tribe that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08797 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15172; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from Bell County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995. In 2010, representatives of the Caddo Nation of Oklahoma; Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation. The Kickapoo Tribe of Oklahoma contacted TAMU with an interest in having these remains repatriated; no representatives from the other tribes contacted TAMU in response to this invitation.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, three individuals were removed from Brown Rockshelter (41BL128) in Bell County, TX. The collection history of these human remains is vague. However, it is suspected that they are part of a larger group of ''salvaged burials'' from Bell County that were donated to TAMU. At the time of donation, these human remains were identified as being from Burial #4 (TAMU–NAGPRA 18). The human remains were determined to be 1 adult female, 1 adult male, and 1 subadult. No known individuals were identified. No associated funerary objects are present.

In the 1980s, human remains representing, at minimum, one individual were removed from site 41BL282 in Bell County, TX, by the TAMU Anthropology Club. The human remains from this site were identified as being from Feature 2 (TAMU–NAGPRA 19). The human remains were determined to be one adult of indeterminate sex. Dart points found nearby date the human remains to the Early Ceramic (before 700 A.D.) period. No known individuals were identified. No associated funerary objects are present.

In the 1980s, human remains representing, at minimum, two individuals were removed from looter's backdirt at site 41BL287 in Bell County, TX, by the TAMU Anthropology Club. The human remains from this site were identified as being from Feature 7 (TAMU–NAGPRA 20). The human remains were determined to be 1 adult of indeterminate sex and 1 subadult. Dart points found nearby date the human remains to the Early Ceramic (before 700 A.D.) period. No known individuals were identified. No associated funerary objects are present.

In the 1980s, human remains representing, at minimum, one individual were removed from site 41BL291 in Bell County, TX, by the TAMU Anthropology Club. The human remains from this site were identified as being from Feature 13 (TAMU–NAGPRA 21). The human remains were determined to be 1 adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

In the 1980s, human remains representing, at minimum, five individuals were removed from looter's backdirt at site 41BL293 in Bell County, TX, by the TAMU Anthropology Club. The human remains from this site were identified as being from Feature 11 (TAMU–NAGPRA 22). The human remains were determined to be 1 adult female, 1 adult male, 1 adult of indeterminate sex, and 2 subadults. Dart points found nearby date the human remains to the Early Ceramic (before 700 A.D.) period. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, 10 individuals were removed from an unknown site in Bell County, TX. The collection history of these human remains is vague. However, it is suspected that they are part of a larger group of ''salvaged burials'' from Bell County that were donated to Texas A&M University. At the time of donation to TAMU, these human remains were identified as ''material salvaged from looted sites in Bell County'' (TAMU–NAGPRA 23). The human remains were determined to be 1 adult female, 3 adult males, 1 adult of indeterminate sex, and 5 subadults. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, two individuals were removed from Camp Tahaya in Bell County, TX. The collection history of these human remains is vague. However, it is suspected that they are part of a larger group of ''salvaged burials'' from Bell County that were donated to TAMU. At the time of donation to TAMU, these human remains were identified as ''material supposedly salvaged from a site in Bell County and donated to TAMU collection'' (TAMU–NAGPRA 25). The human remains were determined to be one adult female and one adult male. No known individuals were identified. No associated funerary objects are present.

Based on the geographic location of all the sites in this notice, TAMU staff found it reasonable to trace a shared identity between the human remains in this notice and the following historic groups: Ervipiame, Mayeye, Yojuane, Comanche, Kickapoo, Tonkawa, Tunica and Biloxi, Wichita, Caddo, Waco, Anadarko, and Kiowa. Archeological and linguistic evidence, historical records, and/or traditional beliefs indicate that there is a relationship of shared group identity between these historic groups and the present-day Caddo Nation of Oklahoma; Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 24 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Caddo Nation of Oklahoma; Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Caddo Nation of Oklahoma; Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Texas A&M University is responsible for notifying the Caddo Nation of Oklahoma; Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; Tunica-Biloxi Indian Tribe; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08809 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15175; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Texas A&M University, College Station, TX. The human remains were removed from the Tajiguas Cliffs, Santa Barbara County, CA. This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995, and the remains were determined to be ancestral to the Chumash Indians. In 2010, representatives of the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation, but no representatives contacted TAMU or visited the remains in response to this invitation.

History and Description of the Remains

Sometime prior to 1987, human remains representing, at minimum, one individual were removed from the Tajiguas Cliffs in Santa Barbara County, CA, by a private individual, and were donated to TAMU in 1987. The human remains were determined to be one adult of indeterminate sex (TAMU–NAGPRA 72). No known individuals were identified. No associated funerary objects are present. Based on the geographic location and the accompanying note describing funerary objects (not included in donation), TAMU staff found it reasonable to trace a shared identity from this site to the Chumash Indians.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, may proceed.

Texas A&M University is responsible for notifying the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08800 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–15179; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas A&M University, College Station, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Texas A&M University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Texas A&M University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not

identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Texas A&M University at the address in this notice by May 19, 2014.

ADDRESSES: Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Texas A&M University, College Station, TX. The human remains were removed from Wilson, Kinney, and Wharton Counties, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Texas A&M University (TAMU) professional staff in 1995. In 2010, representatives of the Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; and the Tonkawa Tribe of Indians of Oklahoma were invited to consult with TAMU for the purpose of determining the place and manner of the repatriation. The Kickapoo Tribe of Oklahoma contacted TAMU with an interest in having these remains repatriated; no representatives from the other tribes contacted TAMU in response to this invitation.

History and Description of the Remains

From July 1985 to August 1985, human remains representing, at minimum, three individuals were removed from the Wilson County Project Site (41WN73), in Wilson County, TX, as part of a salvage excavation run through the University of Texas at San Antonio. At the time of donation, these human remains were identified as being from Burial #1 (TAMU–NAGPRA 45), Burial #2 (TAMU–NAGPRA 46), and Burial #3 (TAMU–NAGPRA 47). The human remains were determined to be as follows: Burial #1, one adult of indeterminate sex; Burial #2, one adult of indeterminate sex; and Burial #3, one adult of indeterminate sex. Based on artifacts recovered from the site, the human remains were determined to be prehistoric. No known individuals were identified. No associated funerary objects are present.

In 1978, human remains representing, at minimum, two individuals were removed from private land in Kinney County, TX, and donated to TAMU (TAMU–NAGPRA 48). At the time of donation, it was indicated that the human remains were probably prehistoric, without further explanation. Analysis of the human remains by physical anthropologists indicates that this individual was of Native American origins. The human remains were determined to be one adult female and one adult male. No known individuals were identified. No associated funerary objects are present.

In 1986, human remains representing, at minimum, one individual were removed from private land in Wharton County, TX, and donated to TAMU (TAMU–NAGPRA 56). The two associated funerary objects are a lead bullet and ceramic pipe. The associated funerary objects date the human remains to 1840–1870 A.D. Analysis of the human remains by physical anthropologists indicates that this individual was of Native American origins. The human remains were determined to be one adult of indeterminate sex. No known individuals were identified.

Based on geographic location of all the sites in this notice, TAMU staff found it reasonable to trace a shared identity between the human remains in this notice and the following historic groups: Cantona, Ervipiame, Mayeye, Comanche, Kickapoo, Tonkawa, Coahuiltecan, and Lipan Apache. Archeological and linguistic evidence, historical records, and/or traditional beliefs indicate that there is a relationship of shared group identity between these historic groups and the present-day Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; and the Tonkawa Tribe of Indians of Oklahoma.

Determinations Made by Texas A&M University

Officials of Texas A&M University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; and the Tonkawa Tribe of Indians of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Suzanne L. Eckert, Department of Anthropology, Texas A&M University, College Station, TX 77843–4352, telephone (979) 845–5242, by May 19, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; and the Tonkawa Tribe of Indians of Oklahoma may proceed.

Texas A&M University is responsible for notifying the Comanche Nation, Oklahoma; Kickapoo Tribe of Oklahoma; and the Tonkawa Tribe of Indians of Oklahoma that this notice has been published.

Dated: March 4, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–08793 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–15438; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 29, 2014. Pursuant to section 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic

Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by May 2, 2014. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 31, 2014.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

DISTRICT OF COLUMBIA

District of Columbia

Metropolitan Apartments, (Apartment Buildings in Washington, DC, MPS) 200–210 Rhode Island Ave. NE., Washington, 14000199

Spingarn Senior High School, (Public School Buildings of Washington, DC MPS) 2500 Benning Rd. NE., Washington, 14000198

NEBRASKA

Douglas County

Reagan, John E., House, 2102 Pinkney St., Omaha, 14000201

NEW JERSEY

Cape May County

Goshen School, 314 N. Delsea Dr. (Middle Township), Goshen, 14000202

Middlesex County

Short Hills Battlefield Historic District, 1729 & 1591 Woodland Ave., Edison Township, 14000203

Warren County

Hixson—Mixsell House, 157 Cty. Rd. 519 (Pohatcong Township), Springtown, 14000204

NEW YORK

Columbia County

Burroughs—Foland Farm, 2323 NY 9, Livingston, 14000205

Warren County

Woodward Hall, 1312 Lake Ave., Lake Luzerne, 14000206

Westchester County

Manor Club, 1023 Esplanade, Pelham Manor, 14000207

SOUTH CAROLINA

Spartanburg County

Schuyler Apartments, 275 S. Church St., Spartanburg, 14000208

[FR Doc. 2014–08700 Filed 4–16–14; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0082; MMAA104000]

Information Collection: Leasing for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf; Proposed Collection for OMB Review; Comment Request

ACTION: 60-day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the regulations under 30 CFR 581 Leasing for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf.

DATES: Submit written comments by June 16, 2014.

ADDRESSES: Please send your comments on this ICR to the BOEM Information Collection Clearance Officer, Arlene Bajusz, Bureau of Ocean Energy Management, 381 Elden Street, HM–3127, Herndon, Virginia 20170 (mail); or *arlene.bajusz@boem.gov* (email); or 703–787–1209 (fax). Please reference ICR 1010–0082 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Arlene Bajusz, Office of Policy, Regulations, and Analysis at (703) 787–1025 to request a copy of the ICR.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1010–0082.

Title: 30 CFR 581, Leasing for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf.

Abstract: Section 8(k) of the Outer Continental Shelf (OCS) Lands Act (Act), as amended (43 U.S.C. 1337), authorizes the Secretary of the Interior (Secretary) to grant to the qualified persons, offering the highest cash bonuses on a basis of competitive bidding, leases of any mineral other than oil, gas, and sulphur. This applies to any area of the OCS not then under lease for such mineral upon royalty, rental, and other terms and conditions that the Secretary may prescribe at the time of the lease offer. The Secretary is to administer the leasing provisions of the Act and prescribe the rules and regulations necessary to carry out those provisions.

Regulations at 30 CFR 581 implement these statutory requirements. There has been no leasing activity in the OCS for minerals other than oil, gas, or sulphur for many years; however, because these are regulatory requirements, the potential exists for information to be collected. Therefore, we are renewing OMB approval for this information collection.

BOEM will use the information required by 30 CFR 581 to determine if statutory requirements are met prior to the issuance of a lease. Specifically, BOEM will use the information to:

- Evaluate the area and minerals requested by the lessee to assess the viability of offering leases for sale;
- Request the State(s) to initiate the establishment of a joint group to assess the proposed action;
- Ensure excessive overriding royalty interests are not created that would put economic constraints on all parties involved;
- Document that a leasehold or geographical subdivision has been surrendered by the record title holder; and
- Determine if activities on the proposed lease area(s) will have a significant impact on the environment.

We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and 30 CFR parts 580 and 582. No items of a sensitive nature are collected. Responses are mandatory.

Frequency: On occasion.

Description of Respondents: As there are no active respondents, we estimate the potential annual number of respondents to be one. Potential respondents are OCS lease requestors, State governments, and OCS lessees.

Estimated Reporting and Recordkeeping Hour Burden: We expect the annual reporting burden for this renewal to be 1,264 hours. The following table details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN BREAKDOWN

Citation 30 CFR 581	Reporting and/or recordkeeping requirements *	Non-Hour Cost Burden(s) *		
		Hour burden	Average number of annual reponses	Annual burden hours
Subpart A—General				
6	Appeal decisions.	Exempt under 5 CFR 1320.4(a)(2), (c).		0
9	Governor of affected States initiates negotiations on jurisdictional controversy, etc., and enters agreement with BOEM.	16	1 request	16
Subtotal			1 Response	16
Subpart B—Leasing Procedures				
11(a), (c)	Submit request for approval for mineral lease with required information..	60	1 request	60
12; all sections; Previously overlooked.	Submit general response to Call for Information and Interest on areas for leasing of minerals (other than oil, gas, sulphur) in accordance with approved lease program, including information from States/local governments, industry, Federal agencies..	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
12; all sections	Submit specific response to Call for Information and Interest on areas for leasing of minerals (other than oil, gas, sulphur) in accordance with approved lease program, including information from States/local governments, industry, Federal agencies..	120	1 response	120
13; 16	States or local governments establish task force; submit comments/recommendations on planning, coordination, consultation, and other issues that may contribute to the leasing process..	200	1 comment	200
All sections; 16	Submit suggestions and relevant information in response to request for comments on the proposed leasing notice, including information from States/local governments..	160	1 submittal	160
18; 20 (e), (f); 26(a), (b)	Submit bids (oral or sealed) and required information..	250	1 response	250
18(b)(3), (c); 20 (e), (f)	Tie bids—submit oral bids for highest bidder.	20	1 response	20
20(a), (b), (c); 41(a)	Establish a company file for qualification, submit updated information, submit qualifications for lessee/bidder and required information..	58	1 response	58
21(a); 47(c)	Request for reconsideration of bid rejection/cancellation..	Not considered IC per 5 CFR 1320.3(h)(9).		0
21(b), (e); 23; 26(e), (i); 40(b); 41.	Execute lease (includes submission of evidence of authorized agent and request for dating of leases); maintain auditable records re 30 CFR Chapter XII, Subchapter A—[burden under ONRR requirements]..	100	1 lease	100
Subtotal			8 Responses	968
Subpart C—Financial Considerations				
31(b); 41	File application and required information for assignment or transfer for approval..	160	1 application	160
		$50 required or non-required filing document fee × 1 = $50		
32(b), (c)	File application for waiver, suspension, or reduction and required documentation..	80	1 application	80

BURDEN BREAKDOWN—Continued

Citation 30 CFR 581	Reporting and/or recordkeeping requirements *	Non-Hour Cost Burden(s) *		
		Hour burden	Average number of annual reponses	Annual burden hours
33; 41(c)	Submit surety or personal bond.	Burden covered under 1010–0081.		0
Subtotal			2 Responses	240
			$50 non-Hour Cost Burden	
Subpart E—Termination of Leases				
46	File written request for relinquishment.	40	1 Response	40
Total Burden			12 Responses	1,264
			$50 Non-Hour Cost Burden	

* In the future, BOEM may require electronic filing of certain submissions.

Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified one non-hour cost burden for this collection, a $50 required or non-required filing document fee under 30 CFR 581.41.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our burden estimates;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden on respondents.

If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup costs or annual operation, maintenance, and purchase of service costs. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (a) Before October 1, 1995; (b) to comply with requirements not associated with the information collection; (c) for reasons other than to provide information or keep records for the Government; or (d) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 10, 2014.

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulations, and Analysis.

[FR Doc. 2014–08712 Filed 4–16–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF JUSTICE

Notice of Extension to Public Comment Period for Consent Decree Under the Clean Water Act

On March 7, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Kentucky in the lawsuit entitled *United States* v. *Nally & Hamilton Enterprises, Inc.,* Civil Action No. 6:14–cv–00055–DLB.

The proposed Consent Decree resolves all of the United States' claims against Nally & Hamilton Enterprises, Inc., in this case by requiring the Defendant to restore the impacted areas and perform mitigation and to pay a civil penalty.

The prior notice indicated that the Department of Justice would accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice on March 17, 2014. Having received a request for an extension of the initial comment period and given the public interest in this settlement, the United States is extending the comment period for an additional ten (10) days.

The Department of Justice will receive, for a period of forty (40) days from March 17, 2014, any comments relating to the proposed Consent Decree. Please address comments to Leslie M. Hill, United States Department of Justice, Environment and Natural Resources Division, Post Office Box 7611, Washington, DC 20044–7611 and refer to *United States* v. *Nally & Hamilton Enterprises, Inc.,* DJ #90–5–1–1–18987. All comments must be submitted no later than April 25, 2014.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of Kentucky, 35 West 5th Street, Covington, Kentucky 41012. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/Consent_Decrees.html.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2014–08770 Filed 4–16–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Administration and Management

Agency Information Collection Activities; Comment Request; Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting public comments concerning a proposed revision to the information collection request (ICR) titled, ''Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*

DATES: Consideration will be given to all written public comments received by June 16, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, estimated total burden, and public comments received to date may be obtained free of charge by contacting Roger Ocampo by email at *civilrightscenter@dol.gov;* telephone at (202) 693–6500 (Voice) (not a toll free number) or (800) 877–8339 (relay); or facsimile machine (FAX) at (202) 693–6505 (not a toll-free number). The ICR can be made available, upon request, in large print or electronic file on computer disk. The ICR is also available for public inspection during normal business hours at the DOL headquarters by scheduling an appointment with the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Submit written comments about this ICR to Naomi Barry-Perez, Director, Civil Rights Center, by email at *civilrightscenter@dol.gov;* mail or courier at U.S. Department of Labor, 200 Constitution Avenue NW., Room N–4123, Washington, DC 20210; or FAX at (202) 693–6505 (not a toll-free number). The DOL encourages comment submissions to be made via email, because the Washington, DC area continues to experience mail delivery delays. Limit comments sent by FAX to no more than five (5) pages.

FOR FURTHER INFORMATION CONTACT: Roger Ocampo by email at *civilrightscenter@dol.gov* or by telephone at (202) 693–6500 (Voice) (not a toll free number) or (800) 877–8339 (relay).

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure 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 can be properly assessed.

This ICR is for an information collection designed to ensure that programs or activities funded, in whole or in part, by the DOL operate in a nondiscriminatory manner. The reporting requirements cover programs and activities to collect, maintain, and report—upon DOL request—race, ethnicity, sex, age, and disability data for program applicants, eligible applicants, participants, terminees, applicants for employment, and employees. The DOL also provides a vehicle that allows a person to file a complaint of discriminatory activity under a DOL funded program.

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 1225–0077.

The DOL seeks to revise the information collection. Specifically, the DOL wants to make a minor change to the Complaint Information Form to clarify the information requested. The revised information collection will allow the DOL to carry out its responsibility to ensure nondiscrimination in programs and activities funded, in whole or in part, by the DOL. 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 July 31, 2014. The DOL intends to extend PRA authorization for this information collection for three (3) years from the date OMB takes action on the revision request; therefore, the DOL invites comments on all aspects of the Nondiscrimination Compliance Information Reporting information collection.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration. In order to help ensure appropriate consideration, comments should mention Control Number 1225–0077. A commenter may request oral confirmation that a submission has been received by contacting the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. No other method will be used to acknowledge the receipt of a comment.

Comments submitted in response to this notice will be a matter of the public record for this ICR and posted on the Internet, without redaction. The DOL will not honor any request to the contrary for a comment submitted in response to this notice. The DOL encourages commenters not to include sensitive personal information (e.g., a social security number), confidential business data (e.g., a bank account or other financial institution number or trade secret), or other sensitive statements/information in any comments.

The DOL 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–OASAM, CRC.

Type of Review: Revision.

Title of Collection: Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998.

OMB Control Number: 1225–0077.

Affected Public: State, Local, and Tribal Governments; Individuals or Households; and Private Sector—businesses or other for-profits and not-for-profit institutions.

Estimated Number of Respondents: 1,885.

Frequency: Varies.

Total Estimated Annual Responses: 32,043,281.

Estimated Average Time per Response: 20 seconds to 15 minutes.

Estimated Total Annual Burden Hours: 248,461 hours.

Total Estimated Annual Other Cost Burden: $0.

Dated: April 11, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–08731 Filed 4–16–14; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning its proposal to extend OMB approval of the information collection for the following medical reports:

Roentgenographic Interpretation (CM–933), Roentgenographic Quality Rereading (CM–933b), Medical History and Examination for Coal Mine Workers' Pneumoconiosis (CM–988), Report of Arterial Blood Gas Study (CM–1159) and Report of Ventilatory Study (CM–2907). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before June 16, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1447, Email *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background: The Black Lung Benefits Act of 1977 as amended, 20 U.S.C. 901 *et seq.* and 20 CFR 718.102 set forth criteria for the administration and interpretation of x-rays. When a miner applies for benefits, the Division of Coal Mine Workers' Compensation (DCMWC) is required to schedule a series of four diagnostic tests to help establish eligibility for black lung benefits. Each of the diagnostic tests has its own form that sets forth the medical results. The forms are: Roentgenographic Interpretation (CM–933), Roentgenographic Quality Rereading (CM–933b), Medical History and Examination for Coal Mine Workers' Pneumoconiosis (CM–988), Report of Arterial Blood Gas Study (CM–1159), and Report of Ventilatory Study (CM–2907). This information collection is currently approved for use through October 31, 2014.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to carry out its responsibility to administer the Black Lung Benefits Act.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Roentgenographic Interpretation (CM–933), Roentgenographic Quality Rereading (CM–933b), Medical History and Examination for Coal Mine Workers' Pneumoconiosis (CM–988), Report of Arterial Blood Gas Study (CM–1159), and Report of Ventilatory Study (CM–2907).

OMB Number: 1240–0023.

Agency Number: CM–933, CM–933b, CM–988, CM–1159 and CM–2907.

Affected Public: Business or other for profit, and not-for-profit institutions.

Form	Time to complete (minutes)	Frequency of response	Number of respondents	Number of responses	Hours burden
CM–933	5	occasion	5,500	5,500	459
CM–933b	3	occasion	5,500	5,500	275
CM–988	40	occasion	5,500	5,500	3,667
CM–1159	15	occasion	5,500	5,500	1,375
CM–2907	10	occasion	5,500	5,500	917
Totals			27,500	27,500	6,693

Total Respondents: 27,500.

Total Annual Responses: 27,500.

Average Time per Response: 3 minutes–40 minutes.

Estimated Total Burden Hours: 6,693.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 11, 2014.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.

[FR Doc. 2014–08812 Filed 4–16–14; 8:45 am]

BILLING CODE 4510–CK–P

MARINE MAMMAL COMMISSION

Sunshine Act Notice: Correction

TIME AND DATE: The Marine Mammal Commission published a notice in the **Federal Register** on 11 April 2014 announcing a meeting of the Commission. This document contains a correction to that notice, regarding the dates of the meeting. The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals will meet on Tuesday, 6 May 2014, from 9:00 a.m. to 5:30 p.m.; Wednesday, 7 May 2014, from 9:00 a.m. to 5:30 p.m.; Thursday, 8 May 2014, from 9:30 a.m. to 5:00 p.m. The Commission and the Committee also will meet in executive session on Monday, 5 May 2014, from 2:00 to 6:00 p.m. All other portions of the 11 April notice remain unchanged.

CONTACT PERSON FOR MORE INFORMATION: Michael L. Gosliner, General Counsel, Marine Mammal Commission, 4340 East-West Highway, Room 700, Bethesda, MD 20814; (301) 504–0087; email: *mgosliner@mmc.gov.*

Dated: April 14, 2014.

Rebecca J. Lent,

Executive Director.

[FR Doc. 2014–08817 Filed 4–15–14; 11:15 am]

BILLING CODE 6820–31–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0023]

Effect of LWR Coolant Environments on the Fatigue Life of Reactor Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft NUREG, NUREG/CR–6909, Revision 1, ''Effect of LWR Coolant Environments on the Fatigue Life of Reactor Materials.'' This report summarizes the results of NRC research efforts and work performed at Argonne National Laboratory on the fatigue of piping and pressure vessel steels in light water reactor environments. Revision 1 of this report provides updates and improvements to the environmental fatigue correction factor approach based on an extensive update to available laboratory fatigue data from testing and results available since this report was first published in 2007.

DATES: Submit comments by June 2, 2014. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

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–2014–0023. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Gary Stevens, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–251–7569, email: *Gary.Stevens@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0023 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–2014–0023.
- 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 draft of NUREG/CR–6909, Revision 1 is available in ADAMS under Accession No. ML14087A068.
- 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–2014–0023 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. Discussion

The American Society of Mechanical Engineers Boiler and Pressure Vessel Code (Code) provides rules for the design of Class 1 components of nuclear power plants. Appendix I to Section III of the Code contains fatigue design curves for applicable structural materials. However, the effects of light water reactor coolant environments are

not explicitly addressed by the Code design curves. The existing fatigue strain-vs.-life data illustrate potentially significant effects of light water reactor coolant environments on the fatigue resistance of pressure vessel and piping steels. Under certain environmental and loading conditions, fatigue lives in water relative to those in air can be significantly lower for austenitic stainless, nickel alloy, carbon and low-alloy steels. In March 2007, Revision 0 of NUREG/CR–6909 (ADAMS Accession No. ML070660620) was issued and it was the technical basis document for NRC Regulatory Guide 1.207, ''Guidelines for Evaluating Fatigue Analyses Incorporating the Life Reduction of Metal Components Due to the Effects of the Light-Water Reactor Environment for New Reactors.'' Revision 0 of NUREG/CR–6909 summarized the work performed at Argonne National Laboratory on the fatigue of piping and pressure vessel steels in light water reactor coolant environments. In that document, the existing laboratory fatigue data were evaluated to identify the various materials, environmental, and loading parameters that influence fatigue crack initiation, and document the effects of key parameters on the fatigue lives of pressure vessel and piping steels. The report presented fatigue life models for estimating fatigue lives as a function of material, loading, and environmental conditions, and described the environmental fatigue correction factor for incorporating the effects of light water reactor coolant environments into Code fatigue evaluations.

Revision 1 of NUREG/CR–6909 provides updates and improvements to the environmental fatigue correction factor approach based on an extensive update to the laboratory fatigue data from testing and results available since 2007. The NRC is particularly interested in stakeholder feedback on the following three areas:

i. The extension of the best-fit mean air curve for ferritic steels discussed in Section 3.1.10.

ii. The air fatigue design curve adjustment factors summarized in Section 5.5.

iii. Accuracy check of the technical content of the NUREG, particularly with respect to all of the numerical content of the report.

Dated at Rockville, Maryland, this 9th day of April, 2014.

For the Nuclear Regulatory Commission.

David L. Rudland,

Chief, Component Integrity Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2014–08792 Filed 4–16–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0085]

Information on Licensing Applications for Fracture Toughness Requirements for Ferritic Reactor Coolant Pressure Boundary Components

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on draft regulatory issue summary (RIS) 2014–XX. This draft RIS would provide guidance to applicants for, and holders of, nuclear power reactor licenses, construction permits, standard design approvals, and manufacturing licenses, and applicants for standard design certifications, on the scope and detail of information that should be provided in licensing applications regarding reactor vessel fracture toughness and associated pressure-temperature limits.

DATES: Submit comments by May 19, 2014. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comment 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–2014–0085. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.

FOR FURTHER INFORMATION CONTACT: Alexandra Popova, Office of Nuclear Reactor Regulation (NRR), telephone: 301–415–2876, email: *Alexandra.Popova@nrc.gov;* or Tanya Mensah, NRR, telephone: 301–415–3610, email: *Tanya.Mensah@nrc.gov,* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0085 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0085.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *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–2014–0085 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 your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering 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. Discussion

The NRC issues RISs to communicate with stakeholders on a broad range of regulatory matters. This may include communicating staff technical positions on matters that have not been communicated to or are not broadly understood by the nuclear industry.

The NRC staff has developed draft RIS 2014–XX, ''Information on Licensing Applications for Fracture Toughness Requirements for Ferritic Reactor Coolant Pressure Boundary Components'', to provide guidance on the scope and detail of information that should be provided in reactor vessel fracture toughness and associated P–T limits licensing applications to facilitate staff review. The RIS, if issued in final form, would be used by applicants for, and holders of, nuclear power reactor licenses, construction permits, standard design approvals, and manufacturing licenses, and applicants for standard design certifications. The draft RIS explains that these entities should ensure that P–T limits developed in accordance with the requirements of 10 CFR Part 50, Appendix G sufficiently address all ferritic materials of pressure-retaining components of the reactor coolant pressure boundary, including the impact of structural discontinuities and neutron fluence accumulation. The draft RIS is available electronically under ADAMS Accession No. ML13301A188.

Dated at Rockville, Maryland, this 10th day of April 2014.

For the Nuclear Regulatory Commission.

Sheldon D. Stuchell,

Acting Chief Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–08794 Filed 4–16–14; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–39; Order No. 2045]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing requesting the addition of an Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 with China Post to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 18, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On April 10, 2014, the Postal Service filed notice that it has entered into an additional Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 (Foreign Postal Operators 1) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2014–39 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 18, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–39 for consideration of the matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).
3. Comments are due no later than April 18, 2014.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2014–08698 Filed 4–16–14; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator, April 10, 2014 (Notice).

POSTAL REGULATORY COMMISSION

Docket No. CP2014–40; Order No. 2048]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing requesting the addition of a Global Plus 1C negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 21, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action

III. Ordering Paragraphs

I. Introduction

On April 11, 2014, the Postal Service filed notice that it has entered into an additional Global Plus 1C negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2014–40 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 21, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–40 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than April 21, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–08774 Filed 4–16–14; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1C Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, April 11, 2014 (Notice).

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Revised Systems of Records

AGENCY: Railroad Retirement Board.

ACTION: Notice: Publication of a New Routine Use and Records Retention and Disposition of RRB Privacy Act Systems of Records, RRB–5 and RRB–29.

SUMMARY: The purpose of this document is to publish a new routine use to allow disclosure of information to the Internal Revenue Service as required by the Affordable Care Act for our Privacy Act Systems of Records, RRB–5 and RRB–29. We also updated our records retention and disposal for RRB–29.

DATES: These changes become effective as proposed without further notice on June 16, 2014. We will file a report of the new routine use in RRB Systems of Records Notice for RRB–5 and a new routine use and updated records retention and disposition for RRB–29 to the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB).

ADDRESSES: Send comments to Ms. Martha P. Rico, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy Grant, Chief Privacy Officer, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092; telephone 312–751–4869, or email at *tim.grant@rrb.gov*.

SUPPLEMENTARY INFORMATION: We are adding a new routine use to our Privacy Act Systems of Records Notices for RRB–5 and RRB–29 to provide information to the Internal Revenue Service as required under the Affordable Care Act. We are also updating our records retention and disposition for RRB–29 to reflect their approved records retention schedule from the National Archives and Records Administration.

Dated: April 11, 2014.

By Authority of the Board.

Martha P. Rico,

Secretary to the Board.

* * * * *

RRB–5

SYSTEM NAME:

Master File of Creditable Service and Compensation of Railroad Employees.

SYSTEM LOCATION:

U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

SECURITY CLASSIFICATION:

None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals with creditable service under the Railroad Retirement and Railroad Unemployment Insurance Acts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, RRB claim number, annuity beginning date, date of birth, sex, last employer identification number, amount of daily payrate, separation allowance or severance payment, creditable service and compensation after 1937, home address, and date of death.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(b)(6) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(6)) and section 12(l) of the Railroad Unemployment Insurance Act (45 U.S.C. 362(l)).

PURPOSE(S):

The purpose of this system is to store railroad earnings of railroad employees which are used to determine entitlement to and amount of benefits payable under the Railroad Retirement Act, the Railroad Unemployment Insurance Act and the Social Security Act, if applicable. The records are updated daily based on earnings reports received from railroad employers and the Social Security Administration and are stored in the Employment Data Maintenance Application database and the Separation Allowance Lump Sum Award (SALSA) Master File.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

a. Records may be transferred to the Social Security Administration to correlate disability freeze actions and in the cases where the railroad employees do not acquire 120 creditable service months before retirement or death or have no current connection with the railroad industry, to enable SSA to credit the employee with the compensation and to pay or deny benefits.

b. Yearly service months, cumulative service months, yearly creditable compensation, and cumulative creditable compensation may be released to the employees directly or through their respective employer.

c. Service months and earnings may be released to employers or former employers for correcting or reconstructing earnings records for railroad employees.

d. Employee identification and potential entitlement may be furnished to the Social Security Administration, Bureau of Supplemental Security

Income, to Federal, State, and local welfare or public aid agencies to assist them in processing application for benefits under their respective programs.

e. Employee identification and other pertinent information may be released to the Department of Labor in conjunction with payment of benefits under the Federal Coal Mine and Safety Act.

f. The last employer information may be disclosed to the Department of Health and Human Services in conjunction with the Parent Locator Service.

g. Pursuant to a request from an employer covered by the Railroad Retirement Act or the Railroad Unemployment Insurance Act, information, regarding the employee's potential eligibility for unemployment, sickness or retirement benefits may be released to the requesting employer for the purpose of determining entitlement to and the rates of private supplemental pension, sickness or unemployment benefits and to calculate estimated benefits due from the employer.

h. If a request for information pertaining to an individual is made by an official of a labor organization of which the individual is a member and the request is made on behalf of the individual, information from the record of the individual concerning his anticipated benefit may be disclosed to the labor organization official.

i. Records may be disclosed in a court proceeding relating to any claims for benefits by the beneficiary under the Railroad Retirement Act or the Railroad Unemployment Insurance Act and may be disclosed during the course of an administrative appeal to individuals who need the records to prosecute or decide the appeal or to individuals who are requested to provide information relative to an issue involved in the appeal.

j. All records may be disclosed to the Social Security Administration for purposes of administration of the Social Security Act.

k. Service and compensation and last employer information may be furnished, upon request, to state agencies operating unemployment or sickness insurance programs for the purposes of their administering such programs.

l. The name, address and gender of a railroad worker may be released to a Member of Congress when the Member requests it in order that he or she may communicate with the worker about legislation which affects the railroad retirement or railroad unemployment and sickness insurance program.

m. The service history of an employee (such as whether the employee had service before a certain date and whether the employee had at least a given number of years of service) may be disclosed to AMTRAK when such information would be needed by AMTRAK to make a determination whether to award a travel pass to either the employee or the employee's widow.

n. (NEW) Records may be released to the Internal Revenue Service for the sole purpose of computing the additional Medicare tax shortfall amount. Records released will include the Social Security Number (SSN), employer name and Employer Identification Number (EIN). Records provided shall not be used for IRS audits or any other unauthorized purposes.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, Magnetic tape and Magnetic disk.

RETRIEVABILITY:

Social security number, claim number and name.

SAFEGUARDS:

Paper: Maintained in areas not accessible to the public in metal filing cabinents. Offices are locked during non-business hours. Building has 24 hour on-site security officers, closed circuit television monitoring and intrusion detection systems.

Magnetic tape and magnetic disk: Computer and computer storage rooms are restricted to authorized personnel; on-line query safeguards include a lock/unlock password system, a terminal oriented transaction matrix, role based access controls and audit trail. For electronic records, system securities are established in accordance with National Institute of Standards and Technology (NIST) guidelines, including network monitoring, defenses in-depth, incident response and forensics. In addition to the on-line query safeguards, they include encryption of all data transmitted and exclusive use of leased telephone lines.

RETENTION AND DISPOSAL:

Paper: Retained five years and destroyed in accordance with NIST guidelines. Previous years ledger put in storage when current year ledger is complete.

Magnetic tape: Magnetic tape records are retained for 90 days and then written over following NIST guidelines. For disaster recovery purposes certain tapes are stored 12–18 months.

Magnetic disk: Continually updated and permanently retained. When magnetic disk or other electronic media is no longer servicable, it is sanitized in accordance with NIST guidelines.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Programs—Director of Policy and Systems, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–2092.

NOTIFICATION PROCEDURE:

Requests for information regarding an individual's record should be in writing, including the full name, social security number and railroad retirement claim number (if any) of the individual. Before any information about any record will be released, the individual may be required to provide proof of identity, or authorization from the individual to permit release of information. Such requests should be sent to: Office of Programs—Assessment & Training, Chief of Employer Service and Training Center, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–2092.

RECORD ACCESS PROCEDURE:

See Notification section above.

CONTESTING RECORD PROCEDURE:

See Notification section above.

RECORD SOURCE CATEGORIES:

Railroad employer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

* * * * *

RRB–29

SYSTEM NAME:

Railroad Employees' Annual Gross Earnings Master File.

SYSTEM LOCATION:

U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

SECURITY CLASSIFICATION:

None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Railroad workers whose social security account number ends in ''30''.

CATEGORIES OF RECORDS IN THE SYSTEM:

Gross earnings by individual by month, quarter or year.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(2)).

PURPOSE(S):

The purpose of this system is to maintain gross earnings reports for Financial Interchange sample employees for use in the calculation of payroll tax amounts used in the financial interchange determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

a. (New) Records may be released to the Internal Revenue Service for the sole purpose of computing the additional Medicare tax shortfall amount. Records released will include the Social Security Number (SSN), employer name, Employer Identification Number (EIN) and gross earnings for a 1-percent sample of active railroad employees in the reference year (per 20 CFR 209.13). Records provided shall not be used for IRS audits or any other unauthorized purposes.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, Magnetic tape and Magnetic disk.

RETRIEVABILITY:

Social security account number.

SAFEGUARDS:

Paper: Maintained in areas not accessible to the public in metal filing cabinents. Access is limited to authorizied RRB employees. Offices are locked during non-business hours. Building has 24 hour on-site security officers, closed circuit television monitoring and intrusion detection systems.

Magnetic tape and magnetic disk: Computer and computer storage rooms are restricted to authorized personnel; on-line query safeguards include a lock/unlock password system, a terminal oriented transaction matrix, role based access controls and audit trail. For electronic records, system securities are established in accordance with National Institute of Standards and Technology (NIST) guidelines, including network monitoring, defenses in-depth, incident response and forensics. In addition to the on-line query safeguards, they include encryption of all data transmitted and exclusive use of leased telephone lines.

RETENTION AND DISPOSAL: (UPDATED)

Paper: Original reports are retained for 2½ years and work files are retained for three years. Financial interchange tabulations are retained indefinitely, and all other tabulations are retained for two years, After the appropriate retention periods, items are destroyed in accordance with NIST guidelines.

Magnetic tape: Original reports on magnetic tape are retained for 2½ years and work files are retained for one year. The final summarized file is retained for two years. After the appropriate retention periods, original reports are returned to employers and all other magnetic tapes are written over following NIST guidelines.

Magnetic disk and electronic media: Original reports are retained for 2½ years, and work files are retained for three years. The final summarized file is retained for five years. Financial interchange tabulations are retained indefinitely. When magnetic disk or other electronic media is no longer required or serviceable, it is sanitized in accordance with NIST guidelines.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Benefit and Employment Analysis, Bureau of the Actuary, U.S. Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092

NOTIFICATION PROCEDURE:

Requests for information regarding an individual's record should be in writing addressed to the System Manager identified above, including the full name and social security account number and claim number of the individual. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

RECORD ACCESS PROCEDURE:

See Notification section above.

CONTESTING RECORD PROCEDURE:

See Notification section above.

RECORD SOURCE CATEGORIES:

Railroad employers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

* * * * *

[FR Doc. 2014–08756 Filed 4–16–14; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71932; File No. SR–ISE–2014–21]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Supplementary Material .13 to Rule 504

April 11, 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 April 3, 2014, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend Supplementary Material .13 to Rule 504, regarding Mini Options traded on the ISE, to replace the reference to ''GOOG'' with ''GOOGL''. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Supplementary Material .13 to Rule 504, regarding Mini Options traded on the ISE, to replace the reference to ''GOOG'' with ''GOOGL''. This is a competitive filing that is based on proposals recently submitted by the BOX Options Exchange LLC (''BOX'') and the Chicago Board Options Exchange, Incorporated (''CBOE'').[3] The Exchange is proposing to make a change to Supplementary Material .13 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 issued 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 Supplementary Material .13 from ''GOOG'' to ''GOOGL''.

The purpose of this change is to ensure that Supplementary Material .13 properly reflects the intention and practice of the Exchange to trade Mini Options on only an exhaustive list of underlying securities outlined in its rules. 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 that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[4] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[5] because is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] 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

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to a filings submitted by BOX and the CBOE.[7] The proposed change does not impose any burden on intramarket competition because it applies to all members. 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 has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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[8] and Rule 19b–4(f)(6)(iii) thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6)[10] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii)[11] 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 five-day pre-filing requirement and 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.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2014–21 on the subject line.

[3] *See* Securities Exchange Act Release No. 71848 (April 2, 2014) (SR–CBOE–2014–030); SR–BOX–2014–13.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] *See* supra note 3.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission is waiving this five-day pre-filing requirement.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] 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).

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–ISE–2014–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2014–21 and should be submitted on or before May 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08685 Filed 4–16–14; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71934; File No. SR–NYSEMKT–2014–30]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Professional User Fees for NYSE Amex Options Market Data, Operative on April 1, 2014

April 11, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 31, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Professional User fees for NYSE Amex Options market data, operative on April 1, 2014. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Professional User fees for NYSE Amex Options market data, operative on April 1, 2014.

On October 1, 2012, the Exchange began offering the following real-time options market data products: ArcaBook for Amex Options—Trades, ArcaBook for Amex Options—Top of Book, ArcaBook for Amex Options—Depth of Book, ArcaBook for Amex Options—Complex, ArcaBook for Amex Options—Series Status, and ArcaBook for Amex Options—Order Imbalance (collectively, ''Amex Options Products'').[4] Fees cover all six products.[5] From that time until May 1, 2013, the Exchange charged Professional Users $50 per month for each User per Source for the receipt and use of the Amex Options Products. Effective May 1, 2013, the Exchange introduced the following tiered fee structure for display usage by Professional Users based on the number of users:[6]

Professional users	Fee per professional user
1–50	$50
51–100	35
101+	20

Because the tiered pricing has not encouraged customers to provide access to the Exchange's market data to a greater number of Professional Users as anticipated, the Exchange proposes to return to the flat fee of $50 per month for each Professional User. The Exchange does not propose to make any other changes to the fees for Amex Options Products.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[7] in general, and Sections 6(b)(4) and 6(b)(5) of the Act,[8] in particular, in that

[4] *See* Securities Exchange Act Release No. 67719 (Aug. 23, 2012), 77 FR 52767 (Aug. 30, 2012) (SR–NYSEMKT–2012–40).

[5] *See* SR–NYSEMKT–2013–35 (establishing a fee schedule) and Securities Exchange Act Release No. 68004 (Oct. 9, 2012), 77 FR 62582 (Oct. 15, 2012) (SR–NYSEMKT–2012–49) (establishing fees for Amex Options Products). Amex Options Products are not offered with separate fees for the individual underlying products.

[6] *See* Securities Exchange Act Release No. 69553 (May 10, 2013), 78 FR 28926 (May 16, 2013) (SR–NYSEMKT–2013–40).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4), (5).

it provides an equitable allocation of reasonable fees among users and recipients of the data and is not designed to permit unfair discrimination among customers, issuers, and brokers.

The Exchange believes that the proposed change is reasonable because it returns Professional User fees to the level that was charged from October 2012 to May 2013. The current tiered pricing structure has not encouraged sufficient customers to provide access to the Exchange's market data to a greater number of Professional Users as the Exchange anticipated. The proposed fee is equitable and not unfairly discriminatory because the same fee will be charged to all Professional Users.

The Exchange also notes that purchasing Amex Options Products is entirely optional. Firms are not required to purchase them and have a wide variety of alternative options market data products from which to choose. Moreover, the Exchange is not required to make these proprietary data products available or to offer any specific pricing alternatives to any customers.

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010), upheld reliance by the Securities and Exchange Commission (''Commission'') upon the existence of competitive market mechanisms to set reasonable and equitably allocated fees for proprietary market data:

> In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.'

Id. at 535 (quoting H.R. Rep. No. 94–229 at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [9] The Exchange believes that this is also true with respect to options markets.

As explained below in the Exchange's Statement on Burden on Competition, the Exchange believes that there is substantial evidence of competition in the marketplace for data and that the Commission can rely upon such evidence in concluding that the fees proposed in this filing are the product of competition and therefore satisfy the relevant statutory standards.[10] In addition, the existence of alternatives to these data products, such as options data from other sources, as described below, further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives.

As the *NetCoalition* decision noted, the Commission is not required to undertake a cost-of-service or ratemaking approach.[11] The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[12]

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[13] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. An exchange's ability to price its proprietary data products is constrained by actual competition for the sale of proprietary data products, the joint product nature of exchange platforms, and the existence of alternatives to the Exchange's proprietary data.

The Existence of Actual Competition. The market for proprietary options data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary for the creation of proprietary data and strict pricing discipline to the proprietary products themselves. Numerous exchanges compete with each other for options trades and sales of options market data itself, providing virtually limitless opportunities for entrepreneurs who wish to compete in any or all of those areas, including producing and distributing their own options market data. Proprietary options data products are produced and distributed by each individual exchange, as well as other entities, in a vigorously competitive market.

Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary options data products and therefore constrain markets from overpricing proprietary market data. The U.S. Department of Justice has acknowledged the aggressive competition among exchanges, including for the sale of proprietary market data itself. In 2011, Assistant Attorney General Christine Varney stated that exchanges ''compete head to head to offer real-time equity data products. These data products include the best bid and offer of every exchange and information on each equity trade, including the last sale.'' [14] Similarly, the options markets vigorously compete with respect to options data products.[15] It is common for broker-dealers to further exploit this recognized competitive constraint by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market.

In addition, in the case of products that are distributed through market data vendors, the market data vendors themselves provide additional price discipline for proprietary data products because they control the primary means of access to certain end users. These vendors impose price discipline based upon their business models. For

[9] *NetCoalition,* 615 F.3d at 535.

[10] Section 916 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the ''Dodd-Frank Act'') amended paragraph (A) of Section 19(b)(3) of the Act, 15 U.S.C. 78s(b)(3), to make clear that all exchange fees for market data may be filed by exchanges on an immediately effective basis.

[11] *NetCoalition,* 615 F.3d at 536.

[12] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, and as described below, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm.*

[13] 15 U.S.C. 78f(b)(8).

[14] Press Release, U.S. Department of Justice, Assistant Attorney General Christine Varney Holds Conference Call Regarding NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandoning Their Bid for NYSE Euronext (May 16, 2011), available at *http://www.justice.gov/iso/opa/atr/speeches/2011/at-speech-110516.html.*

[15] *See, e.g.,* Securities Exchange Act Release No. 67466 (July 19, 2012), 77 FR 43629 (July 25, 2012) (SR–Phlx–2012–93), which describes a variety of options market data products and their pricing.

example, vendors that assess a surcharge on data they sell are able to refuse to offer proprietary products that their end users do not or will not purchase in sufficient numbers. Vendors will not elect to make available the Amex Options Products unless their customers request it, and data recipients with Professional Users will not elect to purchase them unless they can be used for profit-generating purposes. All of these operate as constraints on pricing proprietary data products.

Joint Product Nature of Exchange Platform. Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platforms where the order can be posted, including the execution fees, data quality, and price and distribution of their data products. The more trade executions a platform does, the more valuable its market data products become. Further, data products are valuable to many end-users only insofar as they provide information that end-users expect will assist them in making trading decisions. In that respect, the Exchange believes that the Amex Options Products offer options market data information that is useful for professionals in making trading decisions.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, an exchange's broker-dealer customers view the costs of transaction executions and market data as a unified cost of doing business with the exchange.

Other market participants have noted that the liquidity provided by the order book, trade execution, core market data, and non-core market data are joint products of a joint platform and have common costs.[16] The Exchange also notes that the economics literature confirms that there is no way to allocate common costs between joint products that would shed any light on competitive or efficient pricing.[17]

Analyzing the cost of market data product production and distribution in isolation from the cost of all of the inputs supporting the creation of market data and market data products will inevitably underestimate the cost of the data and data products. Thus, because it is impossible to obtain the data inputs to create market data products without a fast, technologically robust, and well-regulated execution system, system costs and regulatory costs affect the price of both obtaining the market data itself and creating and distributing market data products. It would be equally misleading, however, to attribute all of an exchange's costs to the market data portion of an exchange's joint products. Rather, all of an exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.

The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including 12 self-regulatory organization (''SRO'') options markets, two of which were approved in the last two years.[18] The Exchange believes that these new entrants demonstrate that competition is robust.

Each SRO market competes to produce transaction reports via trade executions. Competition among trading platforms can be expected to constrain the aggregate return that each platform earns from the sale of its joint products, but different platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. For example, some platforms may choose to pay rebates to attract orders, charge relatively low prices for market data products (or provide market data products free of charge), and charge relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower rebates (or no rebates) to attract orders, setting relatively high prices for market data products, and setting relatively low prices for accessing posted liquidity. In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering.

Existence of Alternatives. The large number of SROs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including but not limited to the Exchange; NYSE Arca, Inc.; Chicago Board Options Exchange, Incorporated; C2 Options Exchange, Incorporated; International Securities Exchange, LLC; NASDAQ; Phlx; BX; BATS Exchange, Inc. (''BATS''); and Miami International Securities Exchange LLC. Because market data users can thus find suitable substitutes for most proprietary market data products,[19] a market that overprices its market data products stands a high risk that users may substitute another source of market data information for its own.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid, inexpensive, and

[16] *See* Securities Exchange Act Release No. 62887 (Sept. 10, 2010), 75 FR 57092, 57095 (Sept. 17, 2010) (SR–Phlx–2010–121); Securities Exchange Act Release No. 62907 (Sept. 14, 2010), 75 FR 57314, 57317 (Sept. 20, 2010) (SR–NASDAQ–2010–110); and Securities Exchange Act Release No. 62908 (Sept. 14, 2010), 75 FR 57321, 57324 (Sept. 20, 2010) (SR–NASDAQ–2010–111) (''all of the exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.''); *see also* Securities Exchange Act Release Nos. 71217 (Dec. 31, 2013), 79 FR 875, 877 (Jan. 7, 2014) (SR–NASDAQ–2013–162) and 70945 (Nov. 26, 2013), 78 FR 72740, 72741 (Dec. 3, 2013) (SR–NASDAQ–2013–142) (''Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs.'').

[17] *See generally* Mark Hirschey, Fundamentals of Managerial Economics, at 600 (2009) (''It is important to note, however, that although it is possible to determine the separate marginal costs of goods produced in variable proportions, it is impossible to determine their individual average costs. This is because common costs are expenses necessary for manufacture of a joint product. Common costs of production—raw material and equipment costs, management expenses, and other overhead—cannot be allocated to each individual by-product on any economically sound basis. . . . Any allocation of common costs is wrong and arbitrary.''). This is not new economic theory. *See, e.g.,* F. W. Taussig, ''A Contribution to the Theory of Railway Rates,'' Quarterly Journal of Economics V(4) 438, 465 (July 1891) (''Yet, surely, the division is purely arbitrary. These items of cost, in fact, are jointly incurred for both sorts of traffic; and I cannot share the hope entertained by the statistician of the Commission, Professor Henry C. Adams, that we shall ever reach a mode of apportionment that will lead to trustworthy results.'').

[18] *See* Securities Exchange Act Release Nos. 70050 (July 26, 2013), 78 FR 46622 (August 1, 2013) (File No. 10–209) and 68341 (December 3, 2012), 77 FR 73065 (December 7, 2012) (File No. 10–207).

[19] *See supra* note 15.

profitable. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TrackECN, BATS, and Direct Edge. Two new options exchanges have been approved by the SEC in the last two years alone.[20]

In establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary options data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all users. The existence of numerous alternatives to the Exchange's products, including proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[21] of the Act and subparagraph (f)(2) of Rule 19b–4[22] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[23] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEMKT–2014–30 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEMKT–2014–30. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–30 and should be submitted on or before May 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08687 Filed 4–16–14; 8:45 am]

BILLING CODE 8011–01–P

[20] *See supra* note 18.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(2).

[23] 15 U.S.C. 78s(b)(2)(B).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71933; File No. SR–NYSEARCA–2014–34]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Professional User Fees for NYSE Arca Options Market Data, Operative on April 1, 2014

April 11, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 31, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Professional User fees for NYSE Arca Options market data, operative on April 1, 2014. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Professional User fees for NYSE Arca Options market data, operative on April 1, 2014.

On October 1, 2012, the Exchange began offering the following real-time options market data products: ArcaBook for Arca Options—Trades, ArcaBook for Arca Options—Top of Book, ArcaBook for Arca Options—Depth of Book, ArcaBook for Arca Options—Complex, ArcaBook for Arca Options—Series Status, and ArcaBook for Arca Options—Order Imbalance (collectively, ''Arca Options Products'').[4] Fees cover all six products.[5] From that time until May 1, 2013, the Exchange charged Professional Users $50 per month for each User per Source for the receipt and use of the Arca Options Products. Effective May 1, 2013, the Exchange introduced the following tiered fee structure for display usage by Professional Users based on the number of users: [6]

Professional users	Fee per professional user
1–50	$50
51–100	35
101+	20

Because the tiered pricing has not encouraged customers to provide access to the Exchange's market data to a greater number of Professional Users as anticipated, the Exchange proposes to return to the flat fee of $50 per month for each Professional User. The Exchange does not propose to make any other changes to the fees for Arca Options Products.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[7] in general, and Sections 6(b)(4) and 6(b)(5) of the Act,[8] in particular, in that it provides an equitable allocation of reasonable fees among users and recipients of the data and is not designed to permit unfair discrimination among customers, issuers, and brokers.

The Exchange believes that the proposed change is reasonable because it returns Professional User fees to the level that was charged from October 2012 to May 2013. The current tiered pricing structure has not encouraged sufficient customers to provide access to the Exchange's market data to a greater number of Professional Users as the Exchange anticipated. The proposed fee is equitable and not unfairly discriminatory because the same fee will be charged to all Professional Users.

The Exchange also notes that purchasing Arca Options Products is entirely optional. Firms are not required to purchase them and have a wide variety of alternative options market data products from which to choose. Moreover, the Exchange is not required to make these proprietary data products available or to offer any specific pricing alternatives to any customers.

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC*, 615 F.3d 525 (D.C. Cir. 2010), upheld reliance by the Securities and Exchange Commission (''Commission'') upon the existence of competitive market mechanisms to set reasonable and equitably allocated fees for proprietary market data:

> In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.'

Id. at 535 (quoting H.R. Rep. No. 94–229 at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [9] The Exchange believes that this is also true with respect to options markets.

As explained below in the Exchange's Statement on Burden on Competition, the Exchange believes that there is substantial evidence of competition in the marketplace for data and that the Commission can rely upon such evidence in concluding that the fees proposed in this filing are the product of competition and therefore satisfy the relevant statutory standards.[10] In addition, the existence of alternatives to these data products, such as options data from other sources, as described below, further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives.

As the *NetCoalition* decision noted, the Commission is not required to undertake a cost-of-service or ratemaking approach.[11] The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[12]

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[13] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[4] *See* Securities Exchange Act Release No. 67720 (Aug. 23, 2012), 77 FR 52769 (Aug. 30, 2012) (SR–NYSEArca–2012–89).

[5] *See* SR–NYSEArca–2013–41 (establishing a fee schedule) and Securities Exchange Act Release No. 68005 (Oct. 9, 2012), 77 FR 63362 (Oct. 16, 2012) (SR–NYSEArca–2012–106) (establishing fees for Arca Options Products). Arca Options Products are not offered with separate fees for the individual underlying products.

[6] *See* Securities Exchange Act Release No. 69554 (May 10, 2013), 78 FR 28917 (May 16, 2013) (SR–NYSEArca–2013–47).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4), (5).

[9] *NetCoalition*, 615 F.3d at 535.

[10] Section 916 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the ''Dodd-Frank Act'') amended paragraph (A) of Section 19(b)(3) of the Act, 15 U.S.C. 78s(b)(3), to make clear that all exchange fees for market data may be filed by exchanges on an immediately effective basis.

[11] *NetCoalition,* 615 F.3d at 536.

[12] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, and as described below, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm.*

[13] 15 U.S.C. 78f(b)(8).

An exchange's ability to price its proprietary data products is constrained by actual competition for the sale of proprietary data products, the joint product nature of exchange platforms, and the existence of alternatives to the Exchange's proprietary data.

The Existence of Actual Competition. The market for proprietary options data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary for the creation of proprietary data and strict pricing discipline to the proprietary products themselves. Numerous exchanges compete with each other for options trades and sales of options market data itself, providing virtually limitless opportunities for entrepreneurs who wish to compete in any or all of those areas, including producing and distributing their own options market data. Proprietary options data products are produced and distributed by each individual exchange, as well as other entities, in a vigorously competitive market.

Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary options data products and therefore constrain markets from overpricing proprietary market data. The U.S. Department of Justice has acknowledged the aggressive competition among exchanges, including for the sale of proprietary market data itself. In 2011, Assistant Attorney General Christine Varney stated that exchanges ''compete head to head to offer real-time equity data products. These data products include the best bid and offer of every exchange and information on each equity trade, including the last sale.'' [14] Similarly, the options markets vigorously compete with respect to options data products.[15] It is common for broker-dealers to further exploit this recognized competitive constraint by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market.

In addition, in the case of products that are distributed through market data vendors, the market data vendors themselves provide additional price discipline for proprietary data products because they control the primary means of access to certain end users. These vendors impose price discipline based upon their business models. For example, vendors that assess a surcharge on data they sell are able to refuse to offer proprietary products that their end users do not or will not purchase in sufficient numbers. Vendors will not elect to make available the Arca Options Products unless their customers request it, and data recipients with Professional Users will not elect to purchase them unless they can be used for profit-generating purposes. All of these operate as constraints on pricing proprietary data products.

Joint Product Nature of Exchange Platform. Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platforms where the order can be posted, including the execution fees, data quality, and price and distribution of their data products. The more trade executions a platform does, the more valuable its market data products become. Further, data products are valuable to many end-users only insofar as they provide information that end-users expect will assist them in making trading decisions. In that respect, the Exchange believes that the Arca Options Products offer options market data information that is useful for professionals in making trading decisions.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, an exchange's broker-dealer customers view the costs of transaction executions and market data as a unified cost of doing business with the exchange.

Other market participants have noted that the liquidity provided by the order book, trade execution, core market data, and non-core market data are joint products of a joint platform and have common costs.[16] The Exchange also notes that the economics literature confirms that there is no way to allocate common costs between joint products that would shed any light on competitive or efficient pricing.[17]

Analyzing the cost of market data product production and distribution in isolation from the cost of all of the inputs supporting the creation of market data and market data products will inevitably underestimate the cost of the data and data products. Thus, because it is impossible to obtain the data inputs to create market data products without a fast, technologically robust, and well-regulated execution system, system costs and regulatory costs affect the price of both obtaining the market data itself and creating and distributing market data products. It would be equally misleading, however, to attribute all of an exchange's costs to the market data portion of an exchange's joint products. Rather, all of an exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.

[14] Press Release, U.S. Department of Justice, Assistant Attorney General Christine Varney Holds Conference Call Regarding NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandoning Their Bid for NYSE Euronext (May 16, 2011), available at *http://www.justice.gov/iso/opa/atr/speeches/2011/at-speech-110516.html.*

[15] *See, e.g.,* Securities Exchange Act Release No. 67466 (July 19, 2012), 77 FR 43629 (July 25, 2012) (SR–Phlx–2012–93), which describes a variety of options market data products and their pricing.

[16] *See* Securities Exchange Act Release No. 62887 (Sept. 10, 2010), 75 FR 57092, 57095 (Sept. 17, 2010) (SR–Phlx–2010–121); Securities Exchange Act Release No. 62907 (Sept. 14, 2010), 75 FR 57314, 57317 (Sept. 20, 2010) (SR–NASDAQ–2010–110); and Securities Exchange Act Release No. 62908 (Sept. 14, 2010), 75 FR 57321, 57324 (Sept. 20, 2010) (SR–NASDAQ–2010–111) (''all of the exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.''); *see also* Securities Exchange Act Release Nos. 71217 (Dec. 31, 2013), 79 FR 875, 877 (Jan. 7, 2014) (SR–NASDAQ–2013–162) and 70945 (Nov. 26, 2013), 78 FR 72740, 72741 (Dec. 3, 2013) (SR–NASDAQ–2013–142) (''Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs.'').

[17] *See generally* Mark Hirschey, Fundamentals of Managerial Economics, at 600 (2009) (''It is important to note, however, that although it is possible to determine the separate marginal costs of goods produced in variable proportions, it is impossible to determine their individual average costs. This is because common costs are expenses necessary for manufacture of a joint product. Common costs of production—raw material and equipment costs, management expenses, and other overhead—cannot be allocated to each individual by-product on any economically sound basis. . . . Any allocation of common costs is wrong and arbitrary.''). This is not new economic theory. *See, e.g.,* F. W. Taussig, ''A Contribution to the Theory of Railway Rates,'' Quarterly Journal of Economics V(4) 438, 465 (July 1891) (''Yet, surely, the division is purely arbitrary. These items of cost, in fact, are jointly incurred for both sorts of traffic; and I cannot share the hope entertained by the statistician of the Commission, Professor Henry C. Adams, that we shall ever reach a mode of apportionment that will lead to trustworthy results.'').

The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including 12 self-regulatory organization (''SRO'') options markets, two of which were approved in the last two years.[18] The Exchange believes that these new entrants demonstrate that competition is robust.

Each SRO market competes to produce transaction reports via trade executions. Competition among trading platforms can be expected to constrain the aggregate return that each platform earns from the sale of its joint products, but different platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. For example, some platforms may choose to pay rebates to attract orders, charge relatively low prices for market data products (or provide market data products free of charge), and charge relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower rebates (or no rebates) to attract orders, setting relatively high prices for market data products, and setting relatively low prices for accessing posted liquidity. In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering.

Existence of Alternatives. The large number of SROs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including but not limited to the Exchange; NYSE MKT LLC; Chicago Board Options Exchange, Incorporated; C2 Options Exchange, Incorporated; International Securities Exchange, LLC; NASDAQ; Phlx; BX; BATS Exchange, Inc. (''BATS''); and Miami International Securities Exchange LLC. Because market data users can thus find suitable substitutes for most proprietary market data products,[19] a market that overprices its market data products stands a high risk that users may substitute another source of market data information for its own.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid, inexpensive, and profitable. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TrackECN, BATS, and Direct Edge. Two new options exchanges have been approved by the SEC in the last two years alone.[20]

In establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary options data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all users. The existence of numerous alternatives to the Exchange's products, including proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[21] of the Act and subparagraph (f)(2) of Rule 19b–4[22] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[23] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2014–34 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–NYSEARCA–2014–34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions

[18] *See* Securities Exchange Act Release Nos. 70050 (July 26, 2013), 78 FR 46622 (August 1, 2013) (File No. 10–209) and 68341 (December 3, 2012), 77 FR 73065 ((December 7, 2012) (File No. 10–207).

[19] *See supra* note 15.

[20] *See supra* note 18.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(2).

[23] 15 U.S.C. 78s(b)(2)(B).

should refer to File Number SR–NYSEARCA–2014–34 and should be submitted on or before May 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08686 Filed 4–16–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71936; File No. SR–BYX–2014–006]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Y-Exchange, Inc.

April 11, 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 April 8, 2014, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BYX Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its fee schedule applicable to use of the Exchange in order to modify the way that, for purposes of tiered pricing, the Exchange calculates ADAV and average daily TCV (as such terms are defined below). Currently, the Exchange determines the liquidity adding fee that it charges Members pursuant to the Exchange's tiered pricing structure by excluding from the calculation of ADAV[6] and average daily TCV[7] any day that an Exchange Outage occurs. An Exchange Outage is defined as any day that trading is not available on the Exchange for more than sixty (60) minutes during regular trading hours[8] but continues on other markets during such time.[9] The Exchange proposes to modify the definition of Exchange Outage to include situations where the Exchange experiences a systems disruption that lasts for more than 60 minutes during regular trading hours, even if such disruption would not be categorized as a complete outage of the Exchange's system, and to rename it as an ''Exchange System Disruption.''[10] As an example, an Exchange System Disruption may occur where a certain group of securities (i.e., securities in a select symbol range such as A through C) traded on the Exchange is unavailable for trading due to an Exchange system issue. Similarly, the Exchange may be able to perform certain functions with respect to accepting and processing orders, but may have a failure to another significant process, such as routing to other market centers, that would lead Members that rely on such process to avoid utilizing the Exchange until the Exchange's entire system was operational.

The Exchange believes that this modification is reasonable because the intent of the current Exchange Outage exclusion has always been to avoid penalizing Members that might otherwise qualify for certain tiered pricing but that, because of a significant Exchange system problem, did not participate on the Exchange to the extent that they might have otherwise participated. The Exchange believes that certain systems disruptions could preclude some Members from submitting orders to the Exchange even if such issue is not actually a complete systems outage. The Exchange notes that it is not proposing to modify any of the existing fees or the percentage thresholds at which a Member may qualify for certain fee reductions pursuant to the tiered pricing structure. Rather, as mentioned above, the Exchange is proposing to modify its fee schedule to exclude trading activity occurring on any day that the Exchange experiences an Exchange System Disruption.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[11] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] As provided in the fee schedule, ''ADAV'' means average daily volume calculated as the number of shares added per day on a monthly basis; routed shares are not included in ADAV calculation.

[7] As provided in the fee schedule, ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[8] The term ''regular trading hours'' means the ''time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(w).

[9] The Exchange notes that it also excludes the last Friday of June from the calculation of ADAV and average daily TCV. The last day of June is the day that Russell Investments reconstitutes its family of indexes (''Russell Reconstitution''), resulting in particularly high trading volumes, much of which the Exchange believes derives from market participants who are not generally as active entering the market to rebalance their holdings in-line with the Russell Reconstitution.

[10] *See* SR–BATS–2014–010 (proposing to exclude Exchange System Disruptions from the definitions of ADAV, ADV and average TCV).

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(4).

persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive.

The Exchange believes that its proposal is reasonable because, as explained above, it will help provide Members with a greater level of certainty as to their level of costs for trading in any month where the Exchange experiences an Exchange System Disruption on one or more trading days. The Exchange is not proposing to amend the thresholds a Member must achieve to become eligible for, or the dollar value associated with, the Exchange's tiered fees. By eliminating the inclusion of a trading day on which an Exchange System Disruption occurs the Exchange would almost certainly be excluding a day that would otherwise lower a Member's ADAV as a percentage of average daily TCV. Thus, the proposed change will make the majority of Members more likely to meet the minimum or higher tier thresholds, incentivizing Members to increase their participation on the Exchange in order to meet the next highest tier. In addition, the Exchange believes that the proposed changes to its fee schedule are equitably allocated among Exchange constituents and not unfairly discriminatory as the methodology for calculating ADAV and TCV will apply equally to all Members. While, although unlikely, certain Members may have a higher ADAV as a percentage of average daily TCV with their activity included from days where the Exchange experiences an Exchange System Disruption, the proposal will make all Members' cost of trading on the Exchange more predictable, regardless of how the proposal affects their ADAV as a percentage of average daily TCV.

Volume-based tiers such as the liquidity adding tiers maintained by the Exchange have been widely adopted, and are equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide higher rebates or lower fees that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process. Accordingly, the Exchange believes that the proposal is equitably allocated and not unfairly discriminatory because it is consistent with the overall goals of enhancing market quality. Further, the Exchange believes that a tiered pricing model not significantly altered by a day of atypical trading behavior which allows Members to predictably calculate what their costs associated with trading activity on the Exchange will be is reasonable, fair and equitable and not unreasonably discriminatory as it is uniform in application amongst Members and should enable such participants to operate their business without concern of unpredictable and potentially significant changes in expenses.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposed change will help to promote intramarket competition by avoiding a penalty to Members for days when trading on the Exchange is disrupted for a significant portion of the day. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the deem fee structures to be unreasonable or excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and paragraph (f) of Rule 19b–4 thereunder.[14] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BYX–2014–006 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 No. SR–BYX–2014–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also 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 No. SR–BYX–2014–006 and should be submitted on or before May 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08689 Filed 4–16–14; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71935; File No. SR–BATS–2014–010]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

April 11, 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 31, 2014, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its fee schedule applicable to use of the Exchange in order to modify the way that, for purposes of tiered pricing on the Exchange's equities trading platform (''BATS Equities''), the Exchange calculates ADV, ADAV, and average daily TCV (as such terms are defined below). Similarly, the Exchange proposes to modify the way that, for purposes of tiered pricing applicable to use of the Exchange's equity options trading platform (''BATS Options''), the Exchange calculates ADV and TCV.

Currently, with respect to BATS Equities, the Exchange determines the liquidity adding rebate that it will provide to Members based on the Exchange's tiered pricing structure by excluding from the calculation of ADV,[6] ADAV,[7] and average daily TCV[8] any day that an Exchange Outage occurs. An Exchange Outage is defined as any day that trading is not available on the Exchange for more than sixty (60) minutes during regular trading hours[9] but continues on other markets during such time.[10] The Exchange proposes to modify the definition of Exchange Outage to include situations where the Exchange experiences a systems disruption that lasts for more than 60 minutes during regular trading hours, even if such disruption would not be categorized as a complete outage of the Exchange's system, and to rename it as an ''Exchange System Disruption.'' As an example, an Exchange System Disruption may occur where a certain group of securities (*i.e.,* securities in a select symbol range such as A through C) traded on the Exchange is unavailable for trading due to an Exchange system issue. Similarly, the Exchange may be able to perform certain functions with respect to accepting and processing orders, but may have a failure to another significant process, such as routing to other market centers, that would lead Members that rely on such process to avoid utilizing the Exchange until the Exchange's entire system was operational.

The Exchange believes that this modification is reasonable because the intent of the current Exchange Outage exclusion has always been to avoid penalizing Members that might otherwise qualify for certain tiered pricing but that, because of a significant Exchange system problem, did not participate on the Exchange to the extent that they might have otherwise participated. The Exchange believes that certain systems disruptions could preclude some Members from submitting orders to the Exchange even if such issue is not actually a complete systems outage. The Exchange notes that it is not proposing to modify any of the existing rebates or the percentage thresholds at which a Member may qualify for certain rebates pursuant to the tiered pricing structure. Rather, as mentioned above, the Exchange is proposing to modify its fee schedule to exclude trading activity occurring on any day that the Exchange experiences an Exchange System Disruption.

The Exchange also currently applies a tiered pricing structure to BATS Options, determining the fees charged for removing liquidity and rebates provided for adding liquidity based on the Member's ADV[11] as a percent of average daily TCV.[12] The Exchange notes that its definitions of ADV and TCV do not currently contain any exclusions. The Exchange proposes to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

[6] As provided in the fee schedule, for purposes of BATS Equities pricing, ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day on a monthly basis; routed shares are not included in ADV calculation.

[7] As provided in the fee schedule, for purposes of BATS Equities pricing, ''ADAV'' means average daily volume [sic] calculated as the number of shares added per day on a monthly basis; routed shares are not included in ADV [sic] calculation.

[8] As provided in the fee schedule, for purposes of BATS Equities pricing, ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[9] The term ''regular trading hours'' means the ''time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(w).

[10] The Exchange notes that it also excludes the last Friday of June from the calculation of ADAV, ADV and average daily TCV for purposes of BATS Equities pricing. The last day of June is the day that Russell Investments reconstitutes its family of indexes (''Russell Reconstitution''), resulting in particularly high trading volumes, much of which the Exchange believes derives from market participants who are not generally as active entering the market to rebalance their holdings in-line with the Russell Reconstitution.

[11] As provided in the fee schedule, for purposes of BATS Options pricing, ''ADV'' means average daily volume calculated as the number of contracts added or removed, combined, per day on a monthly basis; routed contracts are not included in ADV calculation.

[12] As provided in the fee schedule, for purposes of BATS Options pricing, ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges to the consolidated transaction reporting plan for the month for which the fees apply.

adopt for the definitions of both ADV and TCV for BATS Options the same Exchange System Disruption exclusion for BATS Equities described above. Such exclusion would apply to situations where the Exchange experiences a systems disruption that lasts for more than 60 minutes during regular trading hours. As is true for BATS Equities, the Exchange believes that certain systems disruptions could preclude some Members of BATS Options from submitting orders to the Exchange even if such issue is not actually a complete systems outage. The Exchange notes that it is not proposing to modify any of the existing rebates or the percentage thresholds at which a Member may qualify for certain rebates pursuant to the tiered pricing structure. Rather, as mentioned above, the Exchange is proposing to modify its fee schedule to exclude trading activity occurring on any day that the Exchange experiences an Exchange System Disruption. The Exchange also notes that it is not proposing to adopt for BATS Options the Russell Reconstitution exclusion that is currently available for BATS Equities.[13]

The Exchange believes that eliminating days where an Exchange System Disruption occurs from the definition of ADV, ADAV and TCV for BATS Equities, and ADV and TCV for BATS Options, will provide Members with increased certainty as to their monthly cost for trades executed on the Exchange. The amended definition for BATS Equities would enable the Exchange to eliminate the day an Exchange System Disruption occurs from the calculation as it relates to rebates and fees based on trading activity on the Exchange, thereby providing Members greater certainty as to their monthly ADV or ADAV as a percentage of average daily TCV and the tiered rebates or fees for which they will qualify. Adopting the modified definition for BATS Options will enable the Exchange to provide the same additional certainty with respect to tiered pricing for BATS Options and will also promote uniformity between the Exchange's trading platforms.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[14] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive.

With respect to the proposed changes to the tiered pricing structure for adding liquidity to BATS Equities and for both removing liquidity from and adding liquidity to BATS Options, the Exchange believes that its proposal is reasonable because, as explained above, it will help provide Members with a greater level of certainty as to their level of rebates and costs for trading in any month where the Exchange experiences an Exchange System Disruption on one or more trading days. The Exchange is not proposing to amend the thresholds a Member must achieve to become eligible for, or the dollar value associated with, the tiered rebates or fees. By eliminating the inclusion of a trading day on which an Exchange System Disruption occurs the Exchange would almost certainly be excluding a day that would otherwise lower a Member's ADV and/or ADAV as a percentage of average daily TCV. Thus, the proposed change will make the majority of Members more likely to meet the minimum or higher tier thresholds, incentivizing Members to increase their participation on the Exchange in order to meet the next highest tier. In addition, the Exchange believes that the proposed changes to its fee schedule are equitably allocated among Exchange constituents and not unfairly discriminatory as the methodology for calculating ADV, ADAV and TCV will apply equally to all Members of BATS Equities, and the methodology for calculating ADV and TCV will apply equally to all Members of BATS Options. While, although unlikely, certain Members may have a higher ADV or ADAV as a percentage of average daily TCV with their activity included from days where the Exchange experiences an Exchange System Disruption, the proposal will make all Members' cost of trading on the Exchange more predictable, regardless of how the proposal affects their ADV or ADAV as a percentage of average daily TCV.

Volume-based tiers such as the liquidity adding tiers maintained by the Exchange have been widely adopted, and are equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide higher rebates or lower fees that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process. Accordingly, the Exchange believes that the proposal is equitably allocated and not unfairly discriminatory because it is consistent with the overall goals of enhancing market quality. Further, the Exchange believes that a tiered pricing model not significantly altered by a day of atypical trading behavior which allows Members to predictably calculate what their costs associated with trading activity on the Exchange will be is reasonable, fair and equitable and not unreasonably discriminatory as it is uniform in application amongst Members and should enable such participants to operate their business without concern of unpredictable and potentially significant changes in expenses.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposed change will help to promote intramarket competition by avoiding a penalty to Members for days when trading on the Exchange is disrupted for a significant portion of the day. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee structures to be unreasonable or excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and paragraph (f) of Rule 19b–4 thereunder.[17] At any time within

[13] *See supra* note 10.

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BATS–2014–010 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 No. SR–BATS–2014–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also 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 No. SR–BATS–2014–010 and should be submitted on or before May 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08688 Filed 4–16–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71931; File No. SR–NASDAQ–2014–032]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Rule 4120(c)(8) With Respect to Initial Pricing of Certain Securities Not Subject to an Initial Public Offering

April 11, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on April 7, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to adopt Rule 4120(c)(8). Such rule will allow, under certain circumstances, the process for halting and initial pricing of a security that is the subject of an initial public offering to be used for the initial pricing of other securities that have not been listed on a national securities exchange or traded on the over-the-counter market pursuant to FINRA Form 211 immediately prior to the initial pricing. NASDAQ proposes to implement the change immediately.

The text of the proposed rule change is below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

4120. Limit Up-Limit Down Plan and Trading Halts

(a)–(b) No change.

(c) Procedure for Initiating and Terminating a Trading Halt

(1)–(7) No change.

(8) For purposes of this Rule and Rule 4753, the process for halting and initial pricing of a security that is the subject of an initial public offering shall also be available for the initial pricing of any other security that has not been listed on a national securities exchange or traded in the over-the-counter market pursuant to FINRA Form 211 immediately prior to the initial pricing, provided that a broker-dealer serving in the role of financial advisor to the issuer of the securities being listed is willing to perform the functions under Rule 4120(c)(7)(B) that are performed by an underwriter with respect to an initial public offering.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 4120 to add a new Rule 4120(c)(8) to modify the process by which trading commences in the securities of certain companies listing on NASDAQ that are not conducting an initial public offering of securities (''IPO'') at the time of listing on NASDAQ. Under the proposed amendment, securities of companies that have not previously been listed on a national securities exchange or traded in the over the counter market immediately prior to listing on NASDAQ could also be launched for trading using the same crossing mechanism currently available for IPOs.

Securities of companies listing on NASDAQ in an IPO are released for trading in the IPO Halt Cross process outlined in Rule 4120(c)(7)(B) and (C)

---

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and Rule 4753. The IPO Halt Cross is designed to facilitate an orderly start to trading in an unseasoned security by providing additional time for quoting activity prior to launch (at least 15 minutes) and allowing significant underwriter involvement in determining when to launch trading. The IPO is released when the following two conditions are simultaneously met:

- Nasdaq receives notice from the underwriter of the IPO that the security is ready to trade, and
- There is no order imbalance in the security (as defined in the rule).

In administering the IPO cross process since 2006, NASDAQ has found that underwriters possess valuable information about the pending IPO given their unique position in the market, including the status of IPO orders on the underwriter's book. We believe the process has worked successfully in providing a stable environment at the time trading commences.

By contrast, the securities of companies that list on NASDAQ that are not conducting IPOs are launched using a different crossing mechanism. These securities are released using the same Halt Cross used whenever securities are halted on NASDAQ for any reason. This process, outlined in Rule 4120(c)(7)(A), has a shorter quoting period (five minutes) and provides no ability to extend the quoting period in the event trading interest or volatility in the market appears likely to have a material impact the security, unless there is an order imbalance as defined in the rule. While this process has worked reasonably well for most issuers listing on NASDAQ for the first time, there have been situations where unseasoned issues have been subject to significant price fluctuation due to limited market interest, confusion about certain aspects of the security or other unforeseen circumstances.

NASDAQ believes that it is important to extend the safeguards contained in the IPO Halt Cross to unseasoned issuers that have not previously been listed on a national securities exchange or traded in the over-the-counter market pursuant to FINRA Form 211 immediately prior to trading on NASDAQ.[3] As proposed in Rule 4120(c)(8), these securities would become eligible for the IPO Halt Cross. In situations where the issuer is not conducting an offering of securities at the time of listing, NASDAQ proposes that a broker-dealer serving in the role of financial advisor to the issuer would, if willing, serve in the same capacity under the rule as the underwriter for purposes of IPOs. NASDAQ believes such an advisor, with market knowledge of the book and an understanding of the company and its security, would be well placed to provide advice on when the security should be released for trading. Other issuers coming to NASDAQ that did not meet the terms of Rule 4120(c)(8) would continue to commence trading under Rule 4120(c)(7)(A). NASDAQ believes that these seasoned issuers, which previously traded on other national securities exchange or in the over-the-counter market, do not present the same concerns as the unseasoned issuers covered by the proposal.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and with Section 6(b)(5) of the Act,[5] in particular, in that it is designed 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 transaction in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change promotes this goal by providing a mechanism to promote the orderly opening of trading in a security that is not the subject of an IPO, but that has not been listed on a national securities exchange or traded in the over-the-counter market pursuant to FINRA Form 211 immediately prior to the initiation of trading on NASDAQ. NASDAQ believes that its IPO Cross is well suited for use in such circumstances, provided a broker-dealer that is serving in the capacity of financial advisor to the issuer is willing to perform the functions under Rule 4120(c)(7)(B) with respect to the timing of the initiation of trading that are normally performed by the underwriter. NASDAQ believes that the rule change will promote fair and orderly markets by helping to protect against volatility in the pricing and initial trading of the unseasoned securities covered by the proposed rule change.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, NASDAQ believes that the change is not relevant to competition, but rather is designed to promote fair and orderly markets. The change does not impact the ability of any market participant or trading venue to compete.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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]

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 believes that waiver of the operative delay will immediately promote orderly trading and reduce potential volatility in an initial trading. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposed rule change to be operative upon filing.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

[3] FINRA Form 211 is used by a member firm to request the exemption afforded by Rule 15c2–11 to trade a security on the over-the-counter markets.

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(5).

[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] 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).

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–032 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NASDAQ–2014–032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–032, and should be submitted on or before May 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08684 Filed 4–16–14; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No. 2013–0049]

Elimination of the Social Security Administration's Letter Forwarding Service

AGENCY: Social Security Administration (SSA).

ACTION: Notice of discontinuation of the letter forwarding service.

SUMMARY: Letter Forwarding is a service we provided to the public since 1945. It is not a program related activity under the Social Security Act (Act). Therefore, we will stop the letter forwarding service.

DATES: The cessation date for letter forwarding services is May 19, 2014.

FOR FURTHER INFORMATION CONTACT: Esset Tate, Office of Public Service and Operations Support, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, [410–966–8502].

SUPPLEMENTARY INFORMATION: We provided the letter forwarding service to the public since 1945. The inquirer can be an individual, private organization, or government agency. We provide limited service if it does not interfere with the Agency's ability to effectively and efficiently carry out its statutory responsibilities under the Act. SSA processes the following types of letter forwarding requests (free and for a fee).

- Humanitarian (free)—when the health or welfare of an individual is at risk and the requestor provides a compelling reason to show the person would want to be aware of the circumstances. In addition, when an immediate family member (e.g., parent, sibling) is seeking to re-establish contact with another immediate family member.
- Monetary purpose (fee $35 in fiscal year (FY) 2013)—situations in which the individual sought is due something of value, and it is reasonable to assume that he or she is not aware that the asset is due.

New Information: In recent years, the internet offers a rapid expansion of locator resources via free social media Web sites and for pay locator services. The public now has widespread access to the Internet and the ability to locate individuals without relying on our letter forwarding services. Based on the availability of the alternative locator resources and the effects it would be as a cost saving measure, we are discontinuing the letter forwarding service. This decision is in line with the Internal Revenue Service, which successfully eliminated part of its letter forwarding workload as of August 31, 2012.

Dated: April 11, 2014.

Esset Tate,

Project Manager, Office of Public Service and Operations Support.

[FR Doc. 2014–08808 Filed 4–16–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending April 5, 2014

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2014–0046.

Date Filed: April 2, 2014.

Due Date for Answers, Conforming Applications, or Motion To Modify Scope: April 23, 2014.

Description: Application of Eurolot S.A. (''Eurolot'') requesting a foreign air carrier permit to enable Eurolot, consistent with the open skies, U.S.-European Union (''EU'') Air Transport Agreement, to provide: (i) Foreign scheduled and charter air transportation of persons, property, and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points to any point or points in the United States and beyond;

(ii) foreign scheduled and charter air transportation of persons, property, and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area; (iii) foreign scheduled and charter cargo air transportation between any point or points in the United States and any other point or points; (iv) other charters pursuant to the prior approval requirements; (v) and transportation authorized by any additional route rights made available to European Union carriers in the future. Eurolot also requests: (i) Exemption authority, to the extent necessary and for an initial period of two years or until the requested permit is issued, to enable it to hold out and provide the service described above; and (ii) such additional or other relief as the Department may deem necessary or appropriate.

Docket Number: DOT–OST–2014–0050.

Date Filed: April 4, 2014.

Due Date for Answers, Conforming Applications, or Motion To Modify Scope: April 25, 2014.

Description: Application of Compania de Servicios de Transporte Aereo Amaszonas S.A. requesting a foreign air carrier permit to engage in charter air transportation from Viru Viru International to Miami International as well as other destinations within the United States.

Barbara J. Hairston,

Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.

[FR Doc. 2014–08765 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2014–0237]

Delegation of Authority

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Revised Delegation of Authority.

SUMMARY: The Federal Aviation Administration (FAA) gives notice that the FAA Administrator has issued a Revised Delegation of Authority to the Office of Dispute Resolution for Acquisition (ODRA) that modifies the existing Delegation of authority dated October 12, 2011. The FAA is publishing the text of the Revised Delegation of Authority, executed on March 19, 2014, so that it is available to interested parties.

FOR FURTHER INFORMATION CONTACT: Marie A. Collins, Dispute Resolution Officer and Administrative Judge for the Office of Dispute Resolution for Acquisition (AGC–70), Federal Aviation Administration, 800 Independence Street SW., Room 323, Washington, DC 20591; telephone (202) 267–3290; facsimile (202) 267–3720.

SUPPLEMENTARY INFORMATION:

Background

In 1995 Congress, through the Department of Transportation Appropriations Act, Public Law 104–50, 109 Stat. 436 (November 15, 1995), directed the FAA ''to develop and implement, not later than April 1, 1996, an acquisition management system that addressed the unique needs of the agency and, at a minimum, provided for more timely and cost effective acquisitions of equipment and materials.'' In response, the FAA developed the Acquisition Management System (AMS), a system of policy guidance for the management of FAA procurement, and as a part of the AMS, created the Office of Dispute Resolution for Acquisition (ODRA) to facilitate the Administrator's review of procurement protests and contract disputes (61 FR 24348). Subsequently, the FAA promulgated rules of procedure governing the ODRA's dispute resolution process by publishing a final rule entitled, Procedures for Protests and Contract Disputes; Amendment of Equal Access to Justice Act Regulations (effective June 28, 1999) (64 FR 32926). In addition to the rules of procedures, the ODRA operates pursuant to a series of delegations of authority from the Administrator. Over time, the authority delegated to the ODRA by the Administrator expanded to include the authority of the ODRA Director, among other things, ''to execute and issue, on behalf of the Administrator, Orders and Final Decisions for the Administrator in all matters'' under the ODRA's jurisdiction valued at not more than $10 Million (*see* 63 FR 49151, 65 FR 19958–01, 69 FR 17469–02). Congress provided further confirmation as to the FAA's dispute resolution authority in the Vision 100-Century of Aviation Reauthorization Act of 2003, Public Law 108–176, 117 Stat.2490, (2003 Reauthorization Act), which expressly provided the ODRA with exclusive jurisdiction over bid protests and contract disputes under the AMS. Specifically, the 2003 Reauthorization Act provided at Subsection (b)(2)(4), under the title ''Adjudication of Certain Bid Protests and Contract Disputes,'' that ''[a] bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator, through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to Sections 46102, 46104, 46105, 46106 and 46107 and shall be subject to judicial review under Section 46110 and Section 504 of Title 5.'' On January 12, 2011, the FAA published a notice of proposed rulemaking to reorganize and streamline the existing Procedures for Protests and Contracts Dispute, and harmonize them with current statutory and other authority (76 FR 2035). On September 7, 2011, the FAA adopted the proposed rule, publishing it as a final rule in the **Federal Register**, with an effective date of October 7, 2011 (76 FR 55217). On October 12, 2011, the FAA Administrator designated the Director and Dispute Resolution Officers of the ODRA as Administrative Judges for all matters within the ODRA's jurisdiction; and delegated authority to the ODRA that superseded and replaced previous delegations of authority (76 FR 70527–02). On March 19, 2014, the Administrator executed a Revised Delegation of Authority that modifies the October 12, 2011 Delegation of Authority by replacing paragraph ''i'' of that Delegation with the following paragraph:

> To execute and issue, on behalf of the Administrator, final Agency decisions and orders in all matters within the ODRA's jurisdiction, provided that such matters involve either: (1) a bid protest concerning an acquisition having a minimum dollar value, including any option years, of not more than twenty million dollars ($20,000,000.00); (2) a contract dispute involving a total amount to be adjudicated, exclusive of interest, legal fees or costs, of not more than ten million dollars ($10,000,000.00); or (3) contests arising from public-private competitions under OMB Circular A–76. The dollar value limitations of this paragraph do not apply to orders issued pursuant to Paragraph b. hereof. This Delegation does not preclude the Director of the ODRA from requesting, in any matter before the ODRA, that the order setting forth the final decision of the FAA be executed by the Administrator.

The Revised Delegation further provides that all provisions of the October 12, 2011 Delegation not expressly modified by the Revised Delegation of Authority remain in full force and effect.

Issued in Washington, DC, on April 11, 2014.

Jerome M. Mellody,

Acting Chief Counsel.

[FR Doc. 2014–08776 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty Fifth Meeting: RTCA Special Committee 213, Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS)

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice of RTCA Special Committee 213, Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS).

SUMMARY: The FAA is issuing this notice to advise the public of the twenty fifth meeting of the RTCA Special Committee 213, Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS).

DATES: The meeting will be held May 13–15, 2014 from 10:00 a.m.–5:00 p.m. on May 13th and 9:00 a.m.–4:00 p.m. on May 14th and 15th.

ADDRESSES: The meeting will be held at Airbus in France, Site de Saint Martin du Touch, 316 route de Bayonne, 31060 Toulouse Cedex 9.

FOR FURTHER INFORMATION CONTACT: Tim Etherington, *tjetheri@rockwellcollins.com,* (319) 295–5233, Patrick Krohn, *pkrohn@uasc.com,* (425) 602–1375 and The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.* Additional contact information: please contact Patrick Krohn, *pkrohn@uasc.com,* telephone (425) 602–1375 or mobile at (425) 829–1996. RTCA contact is Jennifer Iverson, *jiverson@rtca.org,* (202) 330–0662.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 213. The agenda will include the following:

May 13

Plenary Discussion (Sign in at 9:00 a.m.)

- Introductions and administrative items.
- Review and approve minutes from last full plenary meeting.
- Review of terms of reference.
- Status of DO–342A and DO–315C Drafts.
- Industry updates.
- WG–1 DO–315C draft review.

May 14

Plenary Discussion

- WG–1 DO–315C draft review.

May 15

Plenary Discussion

- WG–1 DO–315C draft review.
- WG–2 DO–342A draft review (time permitting).
- Administrative items (new meeting location/dates, action items etc.).
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 9, 2014.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–08619 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0037; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 2007–2010 Mercedes-Benz S-Class Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 2007–2010 Mercedes-Benz S-Class passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2007–2010 Mercedes-Benz S-Class and they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 19, 2014.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

How to Read Comments submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the

Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies, LLC of Baltimore, Maryland (Registered Importer 90–006) has petitioned NHTSA to decide whether nonconforming 2007–2010 Mercedes-Benz S-Class passenger cars are eligible for importation into the United States. The vehicles which J.K. Technologies believes are substantially similar are 2007–2010 Mercedes-Benz S-Class passenger cars that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2007–2010 Mercedes-Benz S-Class passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

J.K. Technologies submitted information with its petition intended to demonstrate that non-U.S. certified 2007–2010 Mercedes-Benz S-Class passenger cars, as originally manufactured, conform to many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that non-U.S. certified 2007–2010 Mercedes-Benz S-Class passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect,* 103 *Windshield Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 106 *Brake Hoses,* 113 *Hood Latch System,* 116 *Motor Vehicle Brake Fluids,* 124 *Accelerator Control Systems,* 126 *Electronic Stability Control Systems,* 135 *Light Vehicle Brake Systems,* 138 *Tire Pressure Monitoring Systems,* 139 *New Pneumatic Radial Tires for Light Vehicles,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Mounting,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 225 *Child Restraint Anchorage Systems,* and 302 *Flammability of Interior Materials.*

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* replacement of the instrument cluster with a U.S.-model component and reprogramming the unit to indicate correct vehicle mileage.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* replacement of the headlamps, side marker lamps, and tail lamps with U.S.-model components and reprogramming the vehicle computer to activate necessary systems.

Standard No. 110 *Tire Selection and Rims for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less:* installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* replacement of the passenger side rearview mirror with a U.S.-model component or inscription of the required warning statement on the face of that mirror.

Standard No. 114 *Theft Protection and Rollaway Prevention:* reprogramming the vehicle computer to activate the key warning system.

Standard No. 118 *Power-Operated Window, Partition, and Roof Panel Systems:* reprogramming of the vehicle computer.

Standard No. 207 *Seating Systems:* replacement of non-conforming seating systems with U.S.-model components.

Standard No. 208 *Occupant Crash Protection:* inspection to confirm that belts, airbags, sensors, control units, wiring harnesses, knee bolsters, labels, and braces bear U.S.-model part numbers. Non-U.S.-model parts will be replaced with U.S.-model components so that the vehicle is identical to the U.S.-model in regards to the standard. The vehicle computer must also be reprogrammed activate the seat belt warning system.

Standard No. 209 *Seat Belt Assemblies:* inspection of seatbelts and replacement of non-conforming belts with U.S.-model components.

Standard No. 301 *Fuel System Integrity:* inspection of all vehicles and replacement of any non U.S.-model fuel system components with U.S.-model components as necessary to conform to the requirements of the standard.

Standard No. 401 *Interior Trunk Release:* Installation of U.S.-model interior trunk release components.

The petitioner states that the bumpers and bumper support structure are identical to those on the U.S. certified model. However, the bumper impact absorbers must be replaced with U.S.-model components to comply with 49 CFR part 581.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR part 565.

Because the subject petition covers nonconforming vehicles that have been manufactured on or after September 1, 2006, compliance with the advanced air bag requirements of FMVSS No. 208 is of significant concern to the agency. NHTSA is therefore particularly interested in comments regarding the ability of a Registered Importer to readily alter the subject vehicles to fully meet the driver and front outboard passenger frontal crash protection and child passenger protection requirements of FMVSS No. 208. The following is a partial listing of the components that may be affected:

a. Driver's frontal air bag module
b. Passenger frontal air bag module
c. Passenger frontal air bag cover
d. Knee air bags
e. Knee bolsters
f. Passenger outboard frontal seat belt system
g. Driver and front outboard seat assemblies including seat tracks and internal seat components
h. Steering wheel components, including the clock spring assembly,

the steering column, and all connecting components
i. Instrument panel
j. Instrument panel support structure (i.e. cross beam)
k. Occupant sensing and classification systems, including sensors and processors
l. Restraint control modules
m. Passenger air bag status indicator light system, including related display components and wiring
n. Wiring harnesses between the restraint control module, occupant classification system and restraint system components
o. Control system computer software and firmware

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–08715 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0038; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 2012 Mercedes-Benz S-Class Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 2012 Mercedes-Benz S-Class passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2012 Mercedes-Benz S-Class) and they are capable of being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is May 19, 2014.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

How to Read Comments submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at *http://www.regulations.gov*. Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies, LLC of Baltimore, Maryland (Registered Importer 90–006) has petitioned NHTSA to decide whether nonconforming 2012 Mercedes-Benz S-Class passenger cars are eligible for importation into the United States. The vehicles which J.K. Technologies believes are substantially similar are 2012 Mercedes-Benz S-Class passenger cars that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2012 Mercedes-Benz S-Class passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

J.K. Technologies submitted information with its petition intended to demonstrate that non-U.S. certified 2012 Mercedes-Benz S-Class passenger cars, as originally manufactured, conform to

many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that non-U.S. certified 2012 Mercedes-Benz S-Class passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect,* 103 *Windshield Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 106 *Brake Hoses,* 113 *Hood Latch System,* 116 *Motor Vehicle Brake Fluids,* 124 *Accelerator Control Systems,* 126 *Electronic Stability Control Systems,* 135 *Light Vehicle Brake Systems,* 139 *New Pneumatic Radial Tires for Light Vehicles,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Mounting,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 225 *Child Restraint Anchorage Systems,* and 302 *Flammability of Interior Materials.*

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* replacement of the instrument cluster with a U.S.-model component and reprogramming the unit to indicate correct vehicle mileage.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* Replacement of the headlamps, side marker lamps, and tail lamps with U.S.-model components and reprogramming the vehicle computer to activate necessary systems.

Standard No. 110 *Tire Selection and Rims for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less:* installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* replacement of the passenger side rearview mirror with a U.S.-model component or inscription of the required warning statement on the face of that mirror.

Standard No. 114 *Theft Protection and Rollaway Prevention:* reprogramming the vehicle computer to activate the key warning system.

Standard No. 118 *Power-Operated Window, Partition, and Roof Panel Systems:* reprogramming of the vehicle computer.

Standard No. 138 *Tire Pressure Monitoring Systems:* Replacement of, non-U.S.-model parts and software with U.S.-model components so that the vehicle is identical to the U.S.-model in regards to the standard.

Standard No. 207 *Seating Systems:* replacement of non-conforming seating systems with U.S.-model components.

Standard No. 208 *Occupant Crash Protection:* inspection to confirm that belts, airbags, sensors, control units, wiring harnesses, knee bolsters, labels, and braces bear U.S.-model part numbers. Non-U.S.-model parts will be replaced with U.S.-model components so that the vehicle identical to the U.S.-model in regards to the standard. The vehicle computer must also be reprogrammed to activate the seat belt warning system.

Standard No. 209 *Seat Belt Assemblies:* inspection of seatbelts and replacement of non-conforming belts with U.S.-model components.

Standard No. 301 *Fuel System Integrity:* inspection of all vehicles and replacement of any non U.S.-model fuel system components with U.S.-model components as necessary to conform to the requirements of FMVSS No. 301.

Standard No. 401 *Interior Trunk Release:* installation of U.S.-model interior trunk release components.

The petitioner states that the bumpers and bumper support structure are identical to that of the U.S. certified model. However, the bumper impact absorbers must be replaced with U.S.-model components to comply with 49 CFR part 581.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicle near the left windshield post to meet the requirements of 49 CFR Part 565.

Because the subject petition covers nonconforming vehicles that have been manufactured on or after September 1, 2006, compliance with the advanced air bag requirements of FMVSS No. 208 is of significant concern to the agency. NHTSA is therefore particularly interested in comments regarding the ability of a Registered Importer to readily alter the subject vehicles to fully meet the driver and front outboard passenger frontal crash protection and child passenger protection requirements of FMVSS No. 208. The following is a partial listing of the components that may be affected:

a. Driver's frontal air bag module
b. Passenger frontal air bag module
c. Passenger frontal air bag cover
d. Knee air bags
e. Knee bolsters
f. Passenger outboard frontal seat belt system
g. Driver and front outboard seat assemblies including seat tracks and internal seat components
h. Steering wheel components, including the clock spring assembly, the steering column, and all connecting components
i. Instrument panel
j. Instrument panel support structure (i.e. cross beam)
k. Occupant sensing and classification systems, including sensors and processors
l. Restraint control modules
m. Passenger air bag status indicator light system, including related display components and wiring
n. Wiring harnesses between the restraint control module, occupant classification system and restraint system components
o. Control system computer software and firmware

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Jeffrey Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–08714 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0110; Notice 2]

Ford Motor Company, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of Petition.

SUMMARY: Ford Motor Company (Ford) has determined that certain model year 2009–2012 Ford F–650 and F–750 trucks manufactured from April 14, 2008, through May 1, 2012 do not fully comply with paragraph S5.3.2(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 105, *Hydraulic and*

Electric Brake Systems. Ford has filed an appropriate report dated July 2, 2012 pursuant to 49 CFR part 573 *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Stuart Seigel, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5287, facsimile (202) 366–7002.

SUPPLEMENTARY INFORMATION:

I. Ford's Petition

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, Ford has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

On February 21, 2014 Ford supplemented its original petition of July 23, 2012, by updating the number of affected vehicles and their dates of manufacture, and including additional justification for a decision of inconsequential noncompliance.

Notice of receipt of the July 23, 2012 petition was published, with a 30-day public comment period, on January 25, 2013 in the **Federal Register** (78 FR 5560). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/*. Then follow the online search instructions to locate docket number ''NHTSA–2012–0110.''

II. Vehicles Involved

Affected are approximately 7,393 model year 2009–2012 Ford F–650 and F–750 trucks that were manufactured from April 14, 2008, through May 1, 2012.

III. Noncompliance

Ford explains that the noncompliance is that the subject vehicles do not illuminate the parking brake telltale lamp when the ignition switch is in the ''on'' or ''start'' positions as required by FMVSS No. 105.

IV. Rule Text

Paragraph S5.3.2(a) of FMVSS No. 105 requires: Except as provided in paragraph (b) of this section, all indicator lamps shall be activated as a check of lamp function either when the ignition (start) switch is turned to the ''on'' (run) position when the engine is not running, or when the ignition (start) switch is in a position between ''on'' (run) and ''start'' that is designated by the manufacturer as a check position.

V. Summary of Ford's Analyses

Ford stated its belief that although the affected vehicles do not illuminate the parking brake telltale lamp when the ignition start switch is in the ''on'' or ''start'' positions that the condition is inconsequential to motor vehicle safety for the following reasons:

1. The parking brake telltale lamp functions as intended—only the telltale bulb check at start-up is not illuminated—unless the parking brake is applied.

2. Unlike most other telltales, the parking brake telltale will simultaneously illuminate when the customer applies the handbrake—essentially functioning as a bulb check. And, if the lamp does not illuminate when the handbrake is applied, the customer is able to identify the condition.

3. If customers inadvertently operate the vehicle with the parking brake applied, the service brakes will not be affected because the design of the subject vehicles utilizes a separate, dedicated parking brake mounted on the driveshaft. Additionally, inadvertent application of the parking brake will result in poor vehicle acceleration and ''drag'' providing further indications that the parking brake is engaged.

4. Instrument panel telltale bulbs are highly reliable. Engineering has reported no parking telltale bulb warranty claims for any of the affected F–650 & F–750 vehicles, from 2009 through 2012.

5. The physical position of the parking brake handle (on the tunnel) provides a readily apparent indication when the parking brake is applied. Partial parking brake applications are not a concern because the handle mechanism utilizes an over-cam locking design, which assures the parking brake is either fully applied or fully released. This design precludes a parking brake from being partially applied.

6. The 2011–2012 model year vehicles incorporate a warning chime which activates (in addition to the parking brake telltale) when the parking brake is applied and the vehicle is driven over 4 miles-per-hour.

7. The operators of these vehicles are typically professional drivers, requiring additional licensing and are familiar with the operation of these types of over-cam, driveshaft-mounted parking brakes.

Ford is also unaware of any field reports, accidents or injuries attributed to this condition.

Ford additionally indicated that changes were made in production on May 1, 2012, and that they had taken multiple steps to help ensure that the parking brake telltale ''check of lamp function'' issue that resulted in the non-compliance does not occur in the future, including Ford validation of the design with no planned cluster/parking brake revisions until new model updates.

In summation, Ford believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

VI. NHTSA Decision

NHTSA has reviewed Fords analyses that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, the parking brake telltale is not activated as a check of lamp function either when the ignition (start) switch is turned to the ''on'' (run) position when the engine is not running, or when the ignition (start) switch is in a position between ''on'' (run) and ''start'' as required by Paragraph S5.3.2(a) of FMVSS No. 105.

If the parking brake telltale lamp bulb fails, the vehicle operator would not be alerted by illumination of the parking brake telltale that the vehicle's parking brake is applied. However, as the vehicle in this condition is driven, a number of indicators would provide feedback to the vehicle operator that the parking brake is applied. First, the vehicle drivability would be affected with poor acceleration and ''drag.'' A warning chime for the 2011–2012 model year vehicles would be activated when the vehicle is driven over 4 miles per hour. Lastly, the physical position of the parking brake handle located on the tunnel, would provide a visual indication that the parking brake is applied. The parking brake has an over-cam locking design that assures that the brake is not partially applied. The combination of the aforementioned operator feedback indicators is sufficient that in the event of a non-operative parking brake telltale light, an operator would have sufficient warning and information to take corrective action. In addition, the parking brake is mounted on the drive shaft and, therefore, separate from the service brake system. Thus, in the unlikely event that the vehicle was driven with an applied parking brake the service brake system would not be

compromised thereby reducing the severity of the noncompliance.

We also note that this telltale is specific only to the application of the parking brake, and is not a combined indicator for multiple brake malfunctions. As a separate indicator, the severity of the noncompliance is further reduced as it indicates only one versus multiple brake system malfunctions.

Furthermore, each application of the parking brake activates the dedicated parking brake indicator telltale. This effectively functions as a secondary de-facto bulb check. Drivers that routinely use the parking brake in the subject vehicles will become accustomed to seeing a telltale with the word ''Park'' activated when setting the parking brake and are consequently likely to recognize a malfunction if this expected telltale does not illuminate.

The affected vehicles, the F–650 and F–750 trucks, are medium duty work trucks typically operated by professional drivers that are experienced with and knowledgeable of their work equipment including the operation of the over-cam, driveshaft-mounted parking brake systems. It is highly likely that even without a visual indicator, these individuals will readily determine when the parking brake is set simply by the altered feel of vehicle drivability.

In consideration of the foregoing, NHTSA has decided that Ford has met its burden of persuasion that the FMVSS No. 105 noncompliance is inconsequential to motor vehicle safety. Accordingly, Ford's petition is hereby granted and Ford is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject noncompliant vehicles that Ford no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Ford notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeff Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–08713 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0003 (PDA–37(R)]

New York City Permit Requirements for Transportation of Certain Hazardous Materials

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: Interested parties are invited to comment on an application by the American Trucking Associations, Inc. (ATA) for an administrative determination whether Federal hazardous material transportation law preempts requirements of the New York City Fire Department for a permit to transport certain hazardous materials by motor vehicle through New York City, or for transshipment from New York City, and the fee for the permit.

DATES: Comments received on or before June 2, 2014 and rebuttal comments received on or before July 16, 2014 will be considered before an administrative determination is issued by PHMSA's Chief Counsel. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: ATA's application and all comments received may be reviewed in the Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The application and all comments are available on the U.S. Government Regulations.gov Web site: *http://www.regulations.gov.*

Comments must refer to Docket No. PHMSA–2014–0003 and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

A copy of each comment must also be sent to (1) Boyd Stephenson, Director, Hazardous Materials & Licensing Policy, American Trucking Associations, 950 Glebe Road, Suite 210, Arlington, VA 22203, and (2) Salvatore J. Cassano, Commissioner, New York City Fire Department, 9 Metrotech Center, New York, NY 11201. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: ''I certify that copies of this comment have been sent to ATA and the New York City Fire Department at the addresses specified in the **Federal Register**.'')

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing a comment submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://www.regulations.gov.*

A subject matter index of hazardous materials preemption cases, including a listing of all inconsistency rulings (IRs) and preemption determinations (PDs), is available through PHMSA's home page at *http://phmsa.dot.gov.* From the home page, click on ''Regulations,'' then on ''Preemption of State and Local Laws'' (in the ''Hazmat Safety'' column). A paper copy of the index will be provided at no cost upon request to Mr. Hilder or Mr. Lopez, at the address and telephone number set forth in **FOR FURTHER INFORMATION CONTACT** below.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder or Vincent Lopez, Office of Chief Counsel (PHC–10), Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone No. 202–366–4400; facsimile No. 202–366–7041.

SUPPLEMENTARY INFORMATION:

I. Application for a Preemption Determination

ATA has applied to PHMSA for a determination whether Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.,* preempts the provisions in Section 2702–02 of Title 3 of the Rules of the City of New York which allow ''motor vehicles for which a permit has been issued'' to transport

> flammable liquids, combustible liquids, compressed gases, and explosives, including fireworks in interstate and intrastate commerce, through the city without pickup or delivery, and with respect to deliveries of such materials to wharfs or piers, airports and shipping terminals for transshipment out of the city . . . *without conforming to the routing, time, escort and other requirements of this section.*[1]

ATA states that motor carriers ''must file a separate application for each tractor or trailer,'' and pay a $210 fee ''for each tractor or trailer to be inspected, and, if approved, must be ready to present copies of the permit to enforcement officials at their request.'' [2] The copy of the permit form provided by ATA contains spaces for the truck and trailer numbers and the date of inspection of the vehicle or trailer, and also indicates that the ''Permit expires (1) one year from the above date'' and ''This letter shall be carried in the cab of the truck and it shall be presented upon request to Fire Department representative.''

In summary, ATA contends that the:

> City of New York's regulatory regime is deficient in several ways. Only motor carriers are required to obtain City of New York's permit, which imposes an unfair burden on a single mode of transportation. The permit requirements apply only to some carriers and impedes their drivers' ability to comply with 49 CFR 177.800(d), which mandates that ''hazardous materials must be transported without unnecessary delay.'' Finally, City of New York cannot show that it is using funds generated from its permit fees for hazardous materials enforcement and emergency response training.

II. Federal Preemption

Section 5125 of Title 49, United States Code (U.S.C.), contains express preemption provisions relevant to this proceeding. Subsection (a) provides that a requirement of a State, political subdivision of a State, or Indian tribe is preempted—unless the non-Federal requirement is authorized by another Federal law or DOT grants a waiver of preemption under § 5125(e)—if:

> (1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security is not possible; or
>
> (2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security.[3]

Subsection (b)(1) of 49 U.S.C. 5125 provides that a non-Federal requirement concerning any of the following subjects is preempted—unless authorized by another Federal law or DOT grants a waiver of preemption—when the non-Federal requirement is not ''substantively the same as'' a provision of Federal hazardous material transportation law, a regulation prescribed under that law, or a hazardous materials security regulation or directive issued by the Department of Homeland Security:

> (A) the designation, description, and classification of hazardous material.
>
> (B) the packing, repacking, handling, labeling, marking, and placarding of hazardous material.
>
> (C) the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents.
>
> (D) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material.
>
> (E) the designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material.[4]

In addition, 49 U.S.C. 5125(f)(1) provides that a State, political subdivision, or Indian tribe ''may impose a fee related to transporting hazardous material only if the fee is fair and used for a purpose related to transporting hazardous material, including enforcement and planning, developing, and maintaining a capability for emergency response.'' [5]

The preemption provisions in 49 U.S.C. 5125 reflect Congress's long-standing view that a single body of uniform Federal regulations promotes safety (including security) in the transportation of hazardous materials. Some forty years ago, when considering the HMTA, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). A United States Court of Appeals has found uniformity was the ''linchpin'' in the design of the Federal laws governing the transportation of hazardous materials. *Colorado Pub. Util. Comm'n* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991).

III. Preemption Determinations

Under 49 U.S.C. 5125(d)(1), any person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision or tribe may apply to the Secretary of Transportation for a determination whether the requirement is preempted. The Secretary of Transportation has delegated authority to PHMSA to make determinations of preemption, except for those concerning highway routing (which have been delegated to the Federal Motor Carrier Safety Administration). 49 CFR 1.97(b).

Section 5125(d)(1) requires notice of an application for a preemption determination to be published in the **Federal Register**. Following the receipt and consideration of written comments, PHMSA publishes its determination in

---

[1] Section 2707–02(a), (b)(2) (emphasis supplied; other italics omitted). Small arms ammunition and paints, varnishes, and other paint products are ''not subject to this section.'' The ''other requirements of this section'' include (a) prohibitions against fueling the motor vehicle in the City, or parking, standing, or transferring hazardous material from one container or vehicle to another except in the case of emergency, and (b) requirements to avoid congested areas and notify the Fire and Police Departments in the event of a breakdown or collision.

ATA has also applied for a determination whether Federal hazardous material transportation law preempts permit and fee requirements of Pittsburgh, Pennsylvania. *See* Docket No. PHMSA–2014–0002 (PDA–36(R)).

[2] ATA states that the ''$210 fee to inspect each tractor or trailer'' is ''far above the prevailing norm'' and that ''[o]ther hazardous materials transportation permits cost significantly less. For instance, the entire state of California mandates only $100 per motor carrier.''

[3] These two paragraphs set forth the ''dual compliance'' and ''obstacle'' criteria that are based on U.S. Supreme Court decisions on preemption. *Hines* v. *Davidowitz,* 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul,* 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield, Inc.,* 435 U.S. 151 (1978). PHMSA's predecessor agency, the Research and Special Programs Administration, applied these criteria in issuing inconsistency rulings under the original preemption provisions in Section 112(a) of the Hazardous Materials Transportation Act (HMTA), Public Law 93–633, 88 Stat. 2161 (Jan. 3, 1975).

[4] To be ''substantively the same,'' the non-Federal requirement must conform ''in every significant respect to the Federal requirement. Editorial and other similar *de minimis* changes are permitted.'' 49 CFR 107.202(d).

[5] *See also* 49 U.S.C. 5125(c) containing standards which apply to preemption of non-Federal requirements on highway routes over which hazardous materials may or may not be transported.

the **Federal Register**. *See* 49 CFR 107.209(c). A short period of time is allowed for filing of petitions for reconsideration. 49 CFR 107.211. A petition for judicial review of a final preemption determination must be filed in the United States Court of Appeals for the District of Columbia or in the Court of Appeals for the United States for the circuit in which the petitioner resides or has its principal place of business, within 60 days after the determination becomes final. 49 U.S.C. 5127(a).

Preemption determinations do not address issues of preemption arising under the Commerce Clause, the Fifth Amendment or other provisions of the Constitution, or statutes other than the Federal hazardous material transportation law unless it is necessary to do so in order to determine whether a requirement is authorized by another Federal law, or whether a fee is ''fair'' within the meaning of 49 U.S.C. 5125(f)(1). A State, local or Indian tribe requirement is not authorized by another Federal law merely because it is not preempted by another Federal statute. *Colorado Pub. Util. Comm'n* v. *Harmon,* above, 951 F.2d at 1581 n.10. In addition, PHMSA does not generally consider issues regarding the proper application or interpretation of a non-Federal regulation, but rather how such requirements are actually ''applied or enforced.'' Rather, ''isolated instances of improper enforcement (e.g., misinterpretation of regulations) do not render such provisions inconsistent'' with Federal hazardous material transportation law, but are more appropriately addressed in the appropriate State or local forum. PD–14(R), Houston, Texas, Fire Code Requirements on the Storage, Transportation, and Handling of Hazardous Materials, 63 FR 67506, 67510 n.4 (Dec. 7, 1998), decision on petition for reconsideration, 64 FR 33949 (June 24, 1999), quoting from IR–31, Louisiana Statutes and Regulations on Hazardous Materials Transportation, 55 FR 25572, 25584 (June 21, 1990), appeal dismissed as moot, 57 FR 41165 (Sept. 9, 1992), and PD–4 (R), California Requirements Applicable to Cargo Tanks Transporting Flammable and Combustible Liquids, 58 FR 48940 (Sept. 20, 1993), decision on reconsideration, 60 FR 8800 (Feb. 15, 1995).

In making preemption determinations under 49 U.S.C. 5125(d), PHMSA is guided by the principles and policies set forth in Executive Order No. 13132, entitled ''Federalism'' (64 FR 43255 (Aug. 10, 1999)), and the President's May 20, 2009 memorandum on ''Preemption'' (74 FR 24693 (May 22, 2009)). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. The President's May 20, 2009 memorandum sets forth the policy ''that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption.'' Section 5125 contains express preemption provisions, which PHMSA has implemented through its regulations.

IV. Public Comments

All comments should be directed to whether 49 U.S.C. 5125 preempts the City of New York's requirements for a permit for transporting these hazardous materials by motor vehicle through the City, or for transshipment from the City, and the fee for obtaining the permit. Comments should specifically address the preemption criteria discussed in Part II above and set forth in detail the manner in which these requirements are applied and enforced, including:

- Any requirements or conditions for issuance of a permit, other than completion of the application form, payment of the permit fee, and inspection of the tractor or trailer;
- the amount of time taken by the City to conduct the inspection and issue a permit; and
- for each of the past three calendar (or fiscal) years, the total amount of permit fees collected by the City and all purposes for which these fees have been used (including an identification of the specific accounts into which the permit fees were deposited).

Issued in Washington, DC, on April 11, 2014.

Vanessa L. Allen Sutherland,

Chief Counsel.

[FR Doc. 2014–08691 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0002 (PDA–36(R)]

Pittsburgh, Pennsylvania Permit Requirements for Transportation of Hazardous Material

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: Interested parties are invited to comment on an application by the American Trucking Associations, Inc. (ATA) for an administrative determination whether Federal hazardous material transportation law preempts requirements of the City of Pittsburgh, Pennsylvania for a permit to transport hazardous materials by motor vehicle and the fee to obtain the permit.

DATES: Comments received on or before June 2, 2014 and rebuttal comments received on or before July 16, 2014 will be considered before an administrative determination is issued by PHMSA's Chief Counsel. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: ATA's application and all comments received may be reviewed in the Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The application and all comments are available on the U.S. Government Regulations Web site: *http://www.regulations.gov*.

Comments must refer to Docket No. PHMSA–2014–0002 and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

A copy of each comment must also be sent to (1) Boyd Stephenson, Director, Hazardous Materials & Licensing Policy, American Trucking Associations, 950 Glebe Road, Suite 210, Arlington, VA 22203; (2) Darryl E. Jones, Fire Chief, Pittsburgh Bureau of Fire, Civic Building, 200 Ross Street, Fifth Floor, Pittsburgh, PA 15219; and (3) Pittsburgh City Solicitor, Law Department, 313 City-County Building, 414 Grant Street, Pittsburgh, PA 15219. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: ''I certify that copies of this comment have been sent to the American Trucking Associations, the Pittsburgh Bureau of Fire, and the Pittsburgh City Solicitor at the addresses specified in the **Federal Register**.'')

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing a comment submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://www.regulations.gov.*

A subject matter index of hazardous materials preemption cases, including a listing of all inconsistency rulings (IRs) and preemption determinations (PDs), is available through PHMSA's home page at *http://phmsa.dot.gov*. From the home page, click on ''Regulations,'' then on ''Preemption of State and Local Laws'' (in the ''Hazmat Safety'' column). A paper copy of the index will be provided at no cost upon request to Mr. Hilder or Mr. Lopez, at the address and telephone number set forth in **FOR FURTHER INFORMATION CONTACT** below.

FOR FURTHER INFORMATION CONTACT:

Frazer C. Hilder or Vincent Lopez, Office of Chief Counsel (PHC–10), Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone No. 202–366–4400; facsimile No. 202–366–7041.

SUPPLEMENTARY INFORMATION:

I. Application for a Preemption Determination

ATA has applied to PHMSA for a determination whether Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.,* preempts provisions in Chapter 801 of Title 8 of the Pittsburgh Code, Fire Prevention, which, according to ATA, require a person ''desiring to transport hazardous materials by motor vehicle in, around, or through Pittsburgh [to] pay $132 dollars and fill out an application.'' [1] In Section 801.01 of the Fire Prevention Code, the City of Pittsburgh (City) has adopted ''the International Fire Code/2003, listed in Section 403.21 of Annex A, Title 34 Pennsylvania Labor and Industry Part XIV Uniform Construction Code, except for such portions thereof as are changed by Section 801.02 of this chapter.''

Section 105.6.21 of the 2003 edition of the International Fire Code, titled ''Hazardous Materials,'' provides that: ''An operational permit is required to store, *transport on site,* dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.21.'' (Emphasis supplied.) This provision has been modified in Section 801.02 of the City's Fire Prevention Code to list permit fees (and whether an inspection fee applies) for numerous specified materials and activities. Item No. 105.6.21J indicates that a permit is required for ''Transportation of haz material'' and that the permit fee is $132.[2] The copy of the ''Application for Permit for Transportation of Hazardous Materials'' form provided by ATA contains space for the applicant to insert the ''amounts for each kind or category'' of materials for ''keeping, storage, occupancy, use, sale, handling, or manufacturing'' at the applicant's ''location'' and also indicates that the ''permit fee'' is $132.

According to ATA, ''Pittsburgh charges a flat fee for all permits under subsection 105.6.21 of its [fire prevention] code, including 105.6.21J. Carriers file a single application, and, if approved, must be ready to present copies of the permit to enforcement officials at their request.'' In summary, ATA contends that the City's permit and permit fee requirements are preempted because:

> Only motor carriers are required to obtain Pittsburgh's permit, which imposes an unfair burden on a single mode of transportation. The permit requirements also present possible substantive dissimilarity issues violating 49 CFR 107.201(d). Finally, Pittsburgh cannot show that it is using funds generated from its permit fees for hazardous materials enforcement and emergency response training.

[1] ATA has also applied for a determination whether Federal hazardous material transportation law preempts permit and inspection fee requirements of New York City. *See* Docket No. PHMSA–2014–0003 (PDA–37(R)).

[2] See Section 801.02 of the Pittsburgh Fire Prevention Code. ATA's application does not indicate that the City requires an inspection of motor vehicles used to transport hazardous materials, and Section 105.6.21J, as modified by the City, provides that there is no inspection fee for issuance of the permit.

II. Federal Preemption

Section 5125 of Title 49, United States Code (U.S.C.), contains express preemption provisions relevant to this proceeding. Subsection (a) provides that a requirement of a State, political subdivision of a State, or Indian tribe is preempted—unless the non-Federal requirement is authorized by another Federal law or DOT grants a waiver of preemption under § 5125(e)—if:

> (1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security is not possible; or
>
> (2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security.[3]

Subsection (b)(1) of 49 U.S.C. 5125 provides that a non-Federal requirement concerning any of the following subjects is preempted—unless authorized by another Federal law or DOT grants a waiver of preemption—when the non-Federal requirement is not ''substantively the same as'' a provision of Federal hazardous material transportation law, a regulation prescribed under that law, or a hazardous materials security regulation or directive issued by the Department of Homeland Security:

> (A) the designation, description, and classification of hazardous material.
>
> (B) the packing, repacking, handling, labeling, marking, and placarding of hazardous material.
>
> (C) the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents.
>
> (D) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material.
>
> (E) the designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold

[3] These two paragraphs set forth the ''dual compliance'' and ''obstacle'' criteria that are based on U.S. Supreme Court decisions on preemption. *Hines* v. *Davidowitz,* 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul,* 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield, Inc.,* 435 U.S. 151 (1978). PHMSA's predecessor agency, the Research and Special Programs Administration, applied these criteria in issuing inconsistency rulings under the original preemption provisions in Section 112(a) of the Hazardous Materials Transportation Act (HMTA), Public Law 93–633, 88 Stat. 2161 (Jan. 3, 1975).

as qualified for use in transporting hazardous material.[4]

In addition, 49 U.S.C. 5125(f)(1) provides that a State, political subdivision, or Indian tribe ''may impose a fee related to transporting hazardous material only if the fee is fair and used for a purpose related to transporting hazardous material, including enforcement and planning, developing, and maintaining a capability for emergency response.'' [5]

The preemption provisions in 49 U.S.C. 5125 reflect Congress's long-standing view that a single body of uniform Federal regulations promotes safety (including security) in the transportation of hazardous materials. Some forty years ago, when considering the HMTA, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). A United States Court of Appeals has found uniformity was the ''linchpin'' in the design of the Federal laws governing the transportation of hazardous materials. *Colorado Pub. Util. Comm'n* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991).

III. Preemption Determinations

Under 49 U.S.C. 5125(d)(1), any person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision or tribe may apply to the Secretary of Transportation for a determination whether the requirement is preempted. The Secretary of Transportation has delegated authority to PHMSA to make determinations of preemption, except for those concerning highway routing (which have been delegated to the Federal Motor Carrier Safety Administration). 49 CFR 1.97(b).

Section 5125(d)(1) requires notice of an application for a preemption determination to be published in the **Federal Register**. Following the receipt and consideration of written comments, PHMSA publishes its determination in the **Federal Register**. *See* 49 CFR 107.209(c). A short period of time is allowed for filing of petitions for reconsideration. 49 CFR 107.211. A petition for judicial review of a final preemption determination must be filed in the United States Court of Appeals for the District of Columbia or in the Court of Appeals for the United States for the circuit in which the petitioner resides or has its principal place of business, within 60 days after the determination becomes final. 49 U.S.C. 5127(a).

Preemption determinations do not address issues of preemption arising under the Commerce Clause, the Fifth Amendment or other provisions of the Constitution, or statutes other than the Federal hazardous material transportation law unless it is necessary to do so in order to determine whether a requirement is authorized by another Federal law, or whether a fee is ''fair'' within the meaning of 49 U.S.C. 5125(f)(1). A State, local or Indian tribe requirement is not authorized by another Federal law merely because it is not preempted by another Federal statute. *Colorado Pub. Util. Comm'n* v. *Harmon,* above, 951 F.2d at 1581 n.10. In addition, PHMSA does not generally consider issues regarding the proper application or interpretation of a non-Federal regulation, but rather how such requirements are actually ''applied or enforced.'' Rather, ''isolated instances of improper enforcement (e.g., misinterpretation of regulations) do not render such provisions inconsistent'' with Federal hazardous material transportation law, but are more appropriately addressed in the appropriate State or local forum. PD–14(R), Houston, Texas, Fire Code Requirements on the Storage, Transportation, and Handling of Hazardous Materials, 63 FR 67506, 67510 n.4 (Dec. 7, 1998), decision on petition for reconsideration, 64 FR 33949 (June 24, 1999), quoting from IR–31, Louisiana Statutes and Regulations on Hazardous Materials Transportation, 55 FR 25572, 25584 (June 21, 1990), appeal dismissed as moot, 57 FR 41165 (Sept. 9, 1992), and PD–4 (R), California Requirements Applicable to Cargo Tanks Transporting Flammable and Combustible Liquids, 58 FR 48940 (Sept. 20, 1993), decision on petition for reconsideration, 60 FR 8800 (Feb. 15, 1995).

In making preemption determinations under 49 U.S.C. 5125(d), PHMSA is guided by the principles and policies set forth in Executive Order No. 13132, entitled ''Federalism'' (64 FR 43255 (Aug. 10, 1999)), and the President's May 20, 2009 memorandum on ''Preemption'' (74 FR 24693 (May 22, 2009)). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. The President's May 20, 2009 memorandum sets forth the policy ''that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption.'' Section 5125 contains express preemption provisions, which PHMSA has implemented through its regulations.

IV. Public Comments

All comments should be directed to whether 49 U.S.C. 5125 preempts the City's requirements for a permit for transporting hazardous materials by motor vehicle and the fee for obtaining the permit. Comments should specifically address the preemption criteria discussed in Part II above and set forth in detail the manner in which these requirements are applied and enforced with respect to the transportation of hazardous materials by motor vehicle in, around, or through the City, including:

- Any requirements or conditions for issuance of a permit, other than completion of the application form and payment of the permit fee;
- the amount of time taken by the City to issue a permit and the period for which a permit is issued (*e.g.,* one year, indefinitely);
- whether there is any difference in the amount of the fee based on the number of shipments of hazardous materials transported in, around, or through the City; and
- for each of the past three calendar (or fiscal) years, the total amount of permit fees collected by the City and all purposes for which these fees have been used (including an identification of the specific accounts into which the permit fees were deposited).

Issued in Washington, DC, on April 11, 2014.

Vanessa L. Allen Sutherland,

Chief Counsel.

[FR Doc. 2014–08690 Filed 4–16–14; 8:45 am]

BILLING CODE 4910–60–P

[4] To be ''substantively the same,'' the non-Federal requirement must conform ''in every significant respect to the Federal requirement. Editorial and other similar *de minimis* changes are permitted.'' 49 CFR 107.202(d).

[5] *See also* 49 U.S.C. 5125(c) containing standards which apply to preemption of non-Federal requirements on highway routes over which hazardous materials may or may not be transported.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury 's Office of Foreign Assets Control (''OFAC'') is publishing the name of one individual whose property and interests in property has been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Acting Director of OFAC of the one individual identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on April 9, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On April 9, 2014, the Acting Director of OFAC designated the following individual whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individual

1. LOBO, Carlos Arnoldo (a.k.a. ''EL NEGRO LOBO''; a.k.a. ''NEGRO''), Col Toronjal, 2da Etapa, Casa 2, La Ceiba, Atlantida, Honduras; Col Toronjal, 2da Etapa, Casa 2, Numero 67, La Ceiba, Atlantida, Honduras; Colonia El Toronjal, Cuarta Etapa, Bloque, La Ceiba, Atlantida, Honduras; Hacienda La Rosita, La Ceiba, Atlantida, Honduras; French Harbour, Roatan, Islas de La Bahia, Honduras; Los Tangos, Copan, Honduras; Casa 67, Blq 02, San Pedro Sula, Cortes, Honduras; Hacienda Aldea La Rosita, Esparta, Atlantida, Honduras; Hacienda Satuye, Col. Satuye, La Ceiba, Atlantida, Honduras; DOB 28 May 1974; POB Esparta, La Ceiba, Honduras; Numero de Identidad 0103–1975–00009 (Honduras) (individual) [SDNTK].

Dated: April 9, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–08819 Filed 4–16–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a meeting of the Federal Advisory Committee on Prosthetics and Special-Disabilities Programs will be held on May 6–7, 2014, in Room 230 at 810 Vermont Avenue NW., Washington, DC. The meeting will convene at 8:30 a.m. on both days, and will adjourn at 4:30 p.m. on May 6 and at 12 noon on May 7, 2014. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on VA's prosthetics programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also provides advice to the Secretary on special-disabilities programs, which are defined as any program administered by the Secretary to serve Veterans with spinal cord injuries, blindness or visual impairments, loss of extremities or loss of function, deafness or hearing impairment, and other serious incapacities in terms of daily life functions.

On May 6, the Committee will receive briefings on Chiropractic Care, Prosthetics and Sensory Aids Service, Audiology and Speech Pathology, Blind Rehabilitation, and VA Procurement and Logistics. On May 7, the Committee will receive a briefing on Telemedicine.

No time will be allocated for receiving oral presentations from the public; however, members of the public may direct questions or submit written statements for review by the Committee in advance of the meeting to Mr. Larry N. Long, Designated Federal Officer, Veterans Health Administration, Patient Care Services, Rehabilitation and Prosthetic Services (10P4RR), VA, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *lonlar@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing to attend the meeting should contact Mr. Long at (202) 461–7354.

Dated: April 14, 2014.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2014–08738 Filed 4–16–14; 8:45 am]

BILLING CODE 8320–01–P

Reader Aids

Federal Register

Vol. 79, No. 74

Thursday, April 17, 2014

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, APRIL

18153–18440 1
18441–18610 2
18611–18764 3
18765–18984 4
18985–19286 7
19287–19460 8
19461–19804 9
19805–20090 10
20091–20752 11
20753–21118 14
21119–21384 15
21385–21580 16
21581–21844 17

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9092 18763
9093 18975
9094 18977
9095 18979
9096 18981
9097 18983
9098 18985
9099 19799
9100 19801
9101 20089
9102 20745
9103 21119
9104 21579

Executive Orders:
11246 (Amended by 13665) 20747
13664 19283
13665 20747

Administrative Orders:
Memorandums:
Memorandum of April 8, 2014 20749
Notices:
Notice of April 7, 2014 19803

5 CFR

532 21121
950 21581

Proposed Rules:
1201 18658

6 CFR

5 18441

7 CFR

33 18765
301 ..... 21595, 21598
319 19805
322 19805
360 19805
905 19461
1214 18987
1400 21086
1416 21086
1463 19462

Proposed Rules:
28 18211
319 ..... 19838, 19840, 21153
457 20110
920 19501
987 19028
1703 18482
1709 18482
1710 18482
1717 18482
1720 18482
1721 18482
1724 18482
1726 18482
1737 18482
1738 18482
1739 18482
1740 18482
1753 18482
1774 18482
1775 18482
1779 18482
1780 18482
1781 18482
1782 18482
1924 18482
1940 18482
1942 18482
1944 18482
1948 18482
1951 18482
1955 18482
1962 18482
1970 18482
1980 18482
3550 18482
3560 18482
3565 18482
3570 18482
3575 18482
4274 18482
4279 18482
4280 18482
4284 18482
4290 18482

10 CFR

72 ..... 20753, 21121
430 20091

Proposed Rules:
50 19501
72 21156
170 21036
171 21036
429 19844
430 18661
431 ..... 19293, 19844, 20114

12 CFR

303 20754
308 20754
324 20754
327 20754
333 20754
337 20754
347 20754
349 20754
360 20754
362 20754
363 20754
364 20754
365 20762
380 20754
390 20754
391 20754
630 21598

Proposed Rules:
34 19521
208 19521
225 19521
323 19521
390 19521
1026 19521
1222 19521

13 CFR

Proposed Rules:
102 19544

14 CFR

25 20768
36 20769
39 ..... 18611, 18615, 18617, 18619, 18622, 18626, 18629, 18987, 19812, 21385, 21387, 21389, 21392
71 ..... 18153, 18154, 18155, 18442, 19287, 20769, 21598, 21600, 21601
91 19288
97 ..... 21602, 21604
1201 18443
1260 21125
1273 21125
1274 21125
Proposed Rules:
25 ..... 20818, 21413
39 ..... 18846, 18848, 19294, 19296, 19299, 19546, 19548, 19844, 19846, 20138, 20819, 20824, 20827, 20829, 20832, 20834, 20837, 20839, 21158, 21160, 21413, 21416, 21648, 21651, 21655
71 ..... 18482, 19030
121 18212

15 CFR

744 21394
Proposed Rules:
730 19552
742 19552
748 19552
762 19552
772 19552
922 ..... 20982, 21658

16 CFR

303 18766
305 19464
Proposed Rules:
306 18850

17 CFR

Proposed Rules:
200 18483
229 18483
230 ..... 18483, 19564
232 18483
239 18483
240 18483
243 18483
249 18483
270 19564

18 CFR

35 18775
341 21126
Proposed Rules:
284 18223

19 CFR

Proposed Rules:
201 21658

20 CFR

718 21606
725 21606

21 CFR

1 18799
14 20094
73 20095
179 20771
510 ..... 18156, 19814, 19816
516 18156
520 18156
522 ..... 18156, 21126
526 18156
556 18990
558 ..... 18156, 18990, 19814, 19816
890 20779
Proposed Rules:
1 ..... 18866, 18867
172 19301

22 CFR

126 21616
41 19288
303 19816

26 CFR

1 ..... 18159, 18161, 21617
602 18161
Proposed Rules:
1 21163

29 CFR

1910 20316
1926 20316
1985 18630
2700 20098
4022 21127
Proposed Rules:
1926 21164
4001 18483
4022 18483
4044 18483

30 CFR

585 21617
590 21617
723 18444
724 18444
845 18444
846 18444

31 CFR

560 18990

32 CFR

117 19467
156 18161

33 CFR

100 ..... 18167, 18169, 18448, 18995, 19478, 20783
117 ..... 18181, 18996, 20784, 20785, 20786, 21128, 21626, 21628
165 ..... 18169, 19289, 19480, 19483, 20786, 20789, 20792, 20794, 20796, 21129, 21629
177 20797
334 18450
Proposed Rules:
100 ..... 20841, 21661
117 18243
140 20844
141 20844
142 20844
143 20844
144 20844
145 20844
146 20844
147 ..... 19569, 20844
165 ..... 18245, 19031, 19034, 19302, 19572, 20851, 21166

34 CFR

Proposed Rules:
Ch. III 18490, 21170, 21418, 21663
Ch. VI 20139

39 CFR

Proposed Rules:
3050 18661

40 CFR

9 20800
51 18452
52 ..... 18183, 18453, 18644, 18802, 18997, 18999, 19001, 19009, 19012, 19820, 20098, 20099, 21137, 21139, 21142, 21144, 21631
60 18952
62 21146
180 ..... 18456, 18461, 18467, 18805, 18810, 18815, 18818, 19485, 20100
282 19830
721 20800
761 18471
799 18822
Proposed Rules:
52 ..... 18248, 18868, 19036, 20139, 21173, 21178, 21179, 21421, 21424, 21668, 21669, 21679
62 21187,
81 ..... 18248, 20139
131 18494
241 21006
300 19037
761 18497
770 19305

41 CFR

102–42 18477
Proposed Rules:
102–36 19575

42 CFR

85a 19835
Proposed Rules:
100 21187
85a 19848
403 21552
416 21552
418 21552
460 21552
482 21552
483 21552
485 21552

44 CFR

64 ..... 18825, 21397

45 CFR

18 20801
1613 21148
Proposed Rules:
1351 21064
1614 21188

46 CFR

Proposed Rules:
10 20844
11 20844
12 20844
13 20844
14 20844
15 20844
69 19420

47 CFR

73 19014
79 21399
90 20105
Proposed Rules:
1 ..... 18249, 20854
36 18498
76 19849
80 18249
95 18249

48 CFR

246 18654
552 ..... 20106, 21400
Proposed Rules:
1 18503
3 18503
12 18503
52 18503
511 21691
538 21691
552 21691
915 18416
934 18416
942 18416
944 18416
945 18416
952 18416
1516 19039
1552 19039

49 CFR

21 21402
27 21402
37 21402
38 21402
229 21636
390 19835
571 19178
1333 21407
Proposed Rules:
Ch. X 19042

50 CFR

17 ..... 18190, 19712, 19760, 19974, 20073, 20107
92 19454
223 20802
224 20802
300 ..... 18827, 19487
622 ..... 19490, 19836, 21636
635 20108
648 ..... 18478, 18834, 18844, 19497
660 ..... 19498, 21639
679 ..... 18654, 18655, 18845, 19500, 21151
697 19015

Proposed Rules:
17 .....18869, 19307, 19314, 19860
222.....21695
223.....21695
229.....21695
635.....18870
648.....19861, 20161
660.....18876

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

S. 404/P.L. 113–99
Green Mountain Lookout Heritage Protection Act (Apr. 15, 2014; 128 Stat. 1143)
Last List April 9, 2014

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.