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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.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2010–1175; Amdt. No. 25–137]

RIN 2120–AJ83

Installed Systems and Equipment for Use by the Flightcrew; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; corrections.

SUMMARY: The Federal Aviation Administration (FAA) published in the **Federal Register** of May 3, 2013 a document amending the design requirements in the airworthiness standards for transport category airplanes to minimize the occurrence of design-related flightcrew errors. This document corrects an inadvertent amendment number that appears in the heading of the publication of that final rule.

DATES: This correction is effective April 18, 2014.

FOR FURTHER INFORMATION CONTACT: Ralen Gao, Office of Rulemaking, ARM–209, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3168; fax (202) 267–5075; email *ralen.gao@faa.gov*.

SUPPLEMENTARY INFORMATION: The FAA published a final rule in the Federal Register of May 3, 2013 (78 FR 25840), amending the design requirements in the airworthiness standards for transport category airplanes to minimize the occurrence of design-related flightcrew errors. This document corrects an inadvertent amendment number that appears in the heading of the publication of that final rule.

In FR Doc. 2013–10554, beginning on page 25840 in the **Federal Register** of May 3, 2013, make the following correction:

On page 25840, in the first column heading, change the amendment number from ''25–138'' to ''25–137''.

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

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2014–08565 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0884; Directorate Identifier 2013–NE–31–AD; Amendment 39–17829; AD 2014–08–05]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines. This AD requires replacement of the low-pressure compressor (LPC) case ice impact panels. This AD was prompted by a report of a partial de-bonding of the LPC case ice impact panels during an engine shop visit. We are issuing this AD to prevent failure of the LPC case ice impact panels, which could result in damage to the engine and loss of control of the airplane.

DATES: This AD becomes effective May 23, 2014.

ADDRESSES: The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0884; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800–647–5527) is provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Rose Len, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7772; fax: 781–238–7199; email: *rose.len@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on December 23, 2013 (78 FR 77382). The NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> Partial de-bonding of the low-pressure compressor case ice impact panels was reported during engine shop visit.
>
> This condition, if not corrected, could lead to ice impact panel de-bonding, resulting, in case of an impact event and release of particles, in blockage of the outlet guide vane and consequent potential loss of thrust or reduced fan flutter margin.
>
> To address this potential unsafe condition, RRD issued Alert Non Modification Service Bulletin (NMSB) SB–BR700–72–A900281 to provide instructions for a one-time ice impact panel replacement using an improved repair method.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!document Detail;D=FAA-2013-0884-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 77382, December 23, 2013).

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed.

Costs of Compliance

We estimate that this AD will affect about 232 engines installed on aircraft of U.S. registry. We also estimate that it will take about 24 hours per engine to comply with this AD. The average labor rate is $85 per hour. Required parts will cost about $9,268 per engine. Based on these figures, we estimate the cost of this AD on U.S. operators to be $2,623,456.

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

For the reasons discussed above, I certify this AD:

(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 to the extent that it justifies making a regulatory distinction, and

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

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–08–05 Rolls-Royce Deutschland Ltd & Co KG (Type Certificate previously held by Rolls-Royce Deutschland GmbH and BMW Rolls-Royce GmbH): Amendment 39–17829; Docket No. FAA–2013–0884; Directorate Identifier 2013–NE–31–AD.

(a) Effective Date

This AD becomes effective May 23, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines.

(d) Reason

This AD was prompted by a report of a partial de-bonding of the low-pressure compressor (LPC) case ice impact panels during an engine shop visit. We are issuing this AD to prevent failure of the LPC case ice impact panels, which could result in damage to the engine and loss of control of the airplane.

(e) Actions and Compliance

Unless already done, after the effective date of this AD, at the next engine shop visit or within 12,500 engine flight cycles since the last shop visit, whichever occurs first, replace the four LPC ice impact panels with panels eligible for installation.

(f) Definitions

(1) For the purposes of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges. The separation of engine flanges solely for the purpose of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(2) For the purposes of this AD, a panel that is ''eligible for installation'' is a new LPC impact panel or one that has been repaired using RRD Alert Non-Modification Service Bulletin (NMSB) No. ALERT SB–BR700–72–A900281, dated July 1, 2013.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(h) Related Information

(1) For more information about this AD, contact Rose Len, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7772; fax: 781–238–7199; email: *rose.len@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2013–0231, dated September 24, 2013, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0884-0002.*

(3) RRD Alert NMSB No. ALERT SB–BR700–72–A900281, dated July 1, 2013, which is not incorporated by reference in this AD, can be obtained from RRD using the contact information in paragraph (h)(4) of this AD.

(4) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: 49 33–7086–1944; fax: 49 33–7086–3276.

(5) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(i) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on April 8, 2014.

Ann C. Mollica,

Acting Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2014–08733 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0588; Airspace Docket No. 13–ASW–12]

Amendment of Class E Airspace; Paragould, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Paragould, AR. Decommissioning of the Paragould non-directional radio beacon (NDB) at Kirk 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 Paragould, AR, area, modifying controlled airspace at Kirk Field Airport (79 FR 1344) Docket No. FAA–2013–0588. 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 Kirk Field Airport, Paragould, AR. Airspace reconfiguration is necessary due to the decommissioning of the Paragould NDB and the cancellation of the NDB approach. The segment northeast of the airport is now within 2.5 miles each side of the 062° bearing from 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 Kirk Field, Paragould, AR.

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.

* * * * *

ASW AR E5 Paragould, AR [Amended]

Paragould, Kirk Field, AR
(Lat. 36°03′50″ N., long. 90°30′33″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Kirk Field, and within 2.5 miles each side of the 218° bearing from the airport extending from the 6.4-mile radius to 9.5 miles southwest of the airport, and within 2.5 miles each side of the 062° bearing from the airport extending from the 6.4-mile radius to 7.5 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. 2014–08771 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0587; Airspace Docket No. 13–ACE–8]

Amendment of Class E Airspace; Jefferson City, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Jefferson City, MO. Decommissioning of the Noah non-directional radio beacon (NDB) at Jefferson City Memorial 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.

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 Jefferson City, MO, area, modifying controlled airspace at Jefferson City Memorial Airport (79 FR 1342) Docket No. FAA–2013–0587. 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 the Jefferson City ILS 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 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 Jefferson City Memorial Airport, Jefferson City, MO. Airspace reconfiguration is necessary due to the decommissioning of the Noah NDB and the cancellation of the NDB approach. The segment northwest of the airport is now within 3.2 miles each side of the 303° bearing from the airport extending from the 6.6-mile radius to 14.3 miles. Controlled airspace is necessary 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 amends controlled airspace at Jefferson County Memorial Airport, Jefferson City, 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 Jefferson City, MO [Amended]

Jefferson City Memorial Airport, MO
(Lat. 38°35′28″ N., long. 92°09′22″ W.)
Jefferson City Memorial Airport ILS
(Lat. 38°35′50″ N., long. 92°10′01″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Jefferson City Memorial Airport, and within 3.2 miles each side of the 303° bearing from the airport extending from the 6.6-mile radius to 14.3 miles northwest of the airport, and within 4 miles each side of the Jefferson City Memorial Airport ILS localizer course extending from the 6.6-mile radius to 11.8 miles southeast 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. 2014–08773 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA–2013–0010]

RIN 1218–AC80

Record Requirements in the Mechanical Power Presses Standard

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Final rule; confirmation of effective date.

SUMMARY: On November 20, 2013, OSHA published in the **Federal Register** a direct final rule that revised records contained in the Mechanical Power Press Standard. OSHA stated in that document that it would withdraw the companion proposed rule and confirm the effective date of the final rule if the Agency received no significant adverse comments on the direct final rule or the proposal. Since OSHA received no such significant adverse comments on the direct final rule or the proposal, the Agency now confirms that the direct final rule became effective as a final rule on February 18, 2013.

DATES: The direct final rule published on November 20, 2013 (78 FR 69543), became effective as a final rule on February 18, 2014. For the purposes of judicial review, OSHA considers April 18, 2014, the date of issuance of the final rule.

ADDRESSES: In compliance with 28 U.S.C. 2112(a), OSHA designates the Associate Solicitor of Labor for Occupational Safety and Health as the recipient of petitions for review of the final standard. Contact Joseph M. Woodward, Associate Solicitor, at the Office of the Solicitor, Room S–4004, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–5445; email: *woodward.joseph@dol.gov*.

FOR FURTHER INFORMATION CONTACT: *General information and press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov*.

Technical information: Contact Todd Owen, Directorate of Standards and Guidance, Room N–3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2260; fax: (202) 693–1663; email: *owen.todd@dol.gov*.

SUPPLEMENTARY INFORMATION: *Copies of this Federal Register notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov*. This Federal Register notice, as well as news releases and other relevant information, also are available at OSHA's Web page at *http://www.osha.gov*.

Confirmation of the effective date: On November 20, 2014, OSHA published a direct final rule (DFR) in the **Federal Register** revising paragraphs (e)(1)(i) and (e)(1)(ii) of OSHA's Mechanical Power Presses Standard at 29 CFR 1910.217. The DFR revised paragraph (e)(1)(i) of OSHA's Mechanical Power Presses Standard at 29 CFR 1910.217 to require that employers perform and complete necessary maintenance and repair on their mechanical power presses, and to develop and maintain certification records of these tasks. The DFR also removed requirements from paragraph (e)(1)(ii) of this standard to develop and maintain certification records for weekly inspections and tests performed on mechanical power presses. The revisions made in this final rule maintain the safety previously afforded to employees by these provisions, while substantially reducing paperwork burden hours and cost to employers.

In the DFR, OSHA stated that it would confirm the effective date of the DFR as a final rule if it received no significant adverse comments on the direct final rule or the proposal. OSHA received two comments, neither of which was a significant adverse comment (see ID: OSHA–2013–0010–0003 and OSHA–2013–0010–004 in the docket for this rulemaking). Accordingly, OSHA is confirming the effective date of the final rule.

The first commenter, Ms. Teresa Brown of University of Memphis, expressed concern that the proposed revisions would prevent employers from ascertaining whether employees who operate mechanical power presses received adequate training for these operations. In addition, Ms. Brown believed that the proposed revisions would require employers to use only computers to develop and maintain training records (ID: OSHA–2013–0010–0003). OSHA notes that the final rule does not revise the training requirements or the recordkeeping requirements for training specified in the Mechanical Power Presses Standard. In addition, the final rule does not revise the means that employers can use to meet the information-collection requirements specified by this standard. For recordkeeping purposes, the recordkeeping requirements specified by the final rule are still written in performance-oriented language, i.e., in terms of what information to collect rather than how to collect the information.

Mr. Tim Hutchison submitted the second comment. Mr. Hutchison asked how would OSHA ''know if [a] repair was not performed when noted'' and ''[h]ow will [OSHA] determine a 'willful' violation'' (ID: OSHA–2013–0010–0004). In response to these questions, OSHA notes that paragraph (e)(1)(i) previously required employers to inspect all parts, auxiliary equipment, and safeguards of mechanical power presses on a periodic and regular basis, and to maintain certification records showing that they conducted the inspections; this provision did not require employers to perform any maintenance or repair tasks found necessary during the inspections, much less document such tasks. This final rule revises paragraph (e)(1)(i) to require that employers conduct periodic and regular inspections of each press and, before operating the press, perform and complete any maintenance or repair task found necessary during the inspections. In addition, employers must maintain certification records of inspections conducted and any maintenance and repairs performed during the inspections. These maintenance and repair records, supplemented by employee interviews, will permit OSHA to determine if an employer performed necessary maintenance and repairs on a press before operating it. The Agency will determine whether a violation of these requirements is willful based on *OSHA's Field Operations Manual* (FOM).[1]

List of Subjects in 29 CFR Parts 1910

Mechanical power presses, Occupational safety and health, Safety.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this final rule. OSHA is issuing this final rule pursuant to 29 U.S.C. 653, 655, and 657, 5 U.S.C. 553, Secretary of Labor's Order 1–2012 (77 FR 3912), and 29 CFR part 1911.

Signed at Washington, DC, on April 14, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–08864 Filed 4–17–14; 8:45 am]

BILLING CODE 4510–26–P

[1] See the FOM, CPL 02–00–150, Ch. 4, § V, pp. 4–28 to 4–29 (Apr. 22, 2011), available on OSHA's Web page.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0683; FRL–9909–66–Region 9]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of revisions to the El Dorado County Air Quality Management District (EDAQMD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on October 25, 2013 and concerns negative declarations for volatile organic compound (VOC) source categories for EDAQMD. We are approving these negative declarations under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on May 19, 2014.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2013–0683 for this action. Generally, documents in the

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

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

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

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I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
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I. Proposed Action

On October 25, 2013 (78 FR 63934), EPA proposed to approve the following document into the California SIP.

Local agency	Document	Adopted	Submitted
EDAQMD	EDAQMD Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Update Analysis Staff Report (''2006 RACT SIP'').	02/06/07	07/11/07

On March 13, 2014 (79 FR 14176), we finalized approval of EDAQMD's 2006 RACT SIP. Included in EDAQMD's submittal were a number of negative declarations. Ozone nonattainment areas classified at moderate and above are required to adopt VOC regulations for the published Control Technique Guidelines (CTG) categories and for major non-CTG sources of VOC or NOx. If an ozone nonattainment area does not have stationary sources covered by an EPA published CTG, then the area is required to submit a negative declaration. We proposed approval of EDAQMD's negative declarations listed in Table 1 below because we determined that they complied with the relevant CAA requirements. This action finalizes our approval of EDAQMD's negative declarations into the SIP. Our proposed action contains more information on the submitted document and our evaluation.

TABLE 1—EDAQMD NEGATIVE DECLARATIONS

CTG Source category	CTG Document title
Aerospace	EPA–453/R–97–004—Control of VOC Emissions from Coating Operations at Aerospace Manufacturing and Rework.
Automobile Coating; Metal Coil Container, & Closure; Paper & Fabric.	EPA–450/2–77–008—Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.
Large Appliances	EPA–450/2–77–034—Control of Volatile Organic Emissions from Existing Stationary Sources, Volume V: Surface Coating of Large Appliances.
Magnet Wire	EPA–450/2–77–033—Control of Volatile Organic Emissions from Existing Stationary Sources, Volume IV: Surface Coating of Insulation of Magnet Wire.
Metal Furniture	EPA–450/2–77–032—Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture.
Ships	61 FR 44050 Shipbuilding and Ship Repair Operations (Surface Coating).
Wood Coating: Factory Surface Coating of Flat Wood Paneling.	EPA–450/2–78–032—Control of Volatile Organic emissions from Existing Stationary Sources, Volume VII: Factory Surface Coating of Flat Wood Paneling.
Wood Furniture	EPA–453/R–96–007—Control of VOC Emissions from Wood Furniture Manufacturing Operations.
Natural Gas/Gasoline	EPA–450/2–83–007—Control of VOC Equipment Leaks from Natural Gas/Gasoline Processing Plants.
Refineries	EPA–450/2–77–025—Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
	EPA–450/2–78–036—Control of VOC Leaks from Petroleum Refinery Equipment.
Synthetic Organic Chemical	EPA–450/3–84–015—Control of VOC Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry.
	EPA–450/4–91–031—Control of VOC Emissions from Reactor Processes and Distillation Operations in SOCMI.
Tanks	EPA–450/2–77–036—Control of VOC Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks.
	EPA–450/2–78–047—Control of VOC Emissions from Petroleum Liquid Storage in External Floating Roof Tanks.
Dry Cleaning	EPA–450/3–82–009—Control of VOC Emissions from Large Petroleum Dry Cleaners.
Pharmaceutical Products	EPA–450/2–78–029—Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.
Polyester Resin	EPA–450/3–83–008—Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.
	EPA–450/3–83–006—Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
Rubber Tires	EPA–450/2–78–030—Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments on the proposed approval of El Dorado County's negative declarations.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving these negative declarations into the California SIP.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: March 21, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52 [AMENDED]

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

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

Subpart F—California

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

§ 52.222 Negative declarations.

* * * * *

(a) * * *

(7) * * *

(iii) Control of VOC Emissions from Coating Operations at Aerospace Manufacturing and Rework; Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks; Control of Volatile Organic Emissions from Existing Stationary Sources, Volume V: Surface Coating of Large Appliances; Control of Volatile Organic Emissions from Existing Stationary Sources, Volume IV: Surface Coating of Insulation of Magnet Wire; Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture; 61 FR 44050 Shipbuilding and Ship Repair Operations (Surface Coating); Control of Volatile Organic emissions from Existing Stationary Sources, Volume VII: Factory Surface Coating of Flat Wood Paneling; Control of VOC Emissions from Wood Furniture Manufacturing Operations; Control of VOC Equipment Leaks from Natural Gas/Gasoline Processing Plants; Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds; Control of VOC Leaks from Petroleum Refinery Equipment; Control of VOC Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry; Control of VOC Emissions from Reactor Processes and Distillation Operations in SOCMI; Control of VOC Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks; Control of VOC Emissions from Petroleum Liquid Storage in External Floating Roof Tanks; Control of VOC Emissions from Large Petroleum Dry Cleaners; Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products; Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins; Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment; and Control

of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires were submitted on July 11, 2007 and adopted on February 6, 2007.

* * * * *

[FR Doc. 2014–08742 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0049; FRL–9909–08–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; South Dakota; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is partially approving and partially disapproving revisions to the South Dakota State Implementation Plan (SIP) submitted by the South Dakota Department of Environment and Natural Resources (DENR) to EPA on June 20, 2011. The SIP revisions address the permitting of sources of greenhouse gases (GHGs). Specifically, we are approving revisions to the State's Prevention of Significant Deterioration (PSD) program to incorporate the provisions of the federal PSD and Title V Greenhouse Gas Tailoring Rule (Tailoring Rule). The SIP revisions incorporate by reference the federal Tailoring Rule's emission thresholds for determining which new stationary sources and modifications to existing stationary sources become subject to South Dakota's PSD permitting requirements for their GHG emissions. EPA is finalizing disapproval of a related provision that would rescind the State's Tailoring Rule revision in certain circumstances. EPA will take separate action on an amendment to the chapter Construction Permits for New Sources or Modifications in the June 20, 2011 submittal, regarding permits for minor sources. EPA is finalizing this action under section 110 and part C of the Clean Air Act (the Act or CAA).

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

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R08–OAR–2014–0049. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jody Ostendorf, Air Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202–1129, (303) 312–7814, *ostendorf.jody@epa.gov*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, the following definitions apply:

(i) The words or initials *Act* or *CAA* mean or refer to the federal Clean Air Act, unless the context indicates otherwise.

(ii) The initials *DENR* mean or refer to the South Dakota Department of Environment and Natural Resources.

(iii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iv) The initials *GHG* mean or refer to Greenhouse Gas.

(v) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

(vi) The initials *SIP* mean or refer to State Implementation Plan.

(vii) The words *State* or SD mean the State of South Dakota, unless the context indicates otherwise.

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I. Background for Our Final Action

The June 20, 2011 submittal incorporates by reference the provisions of the federal PSD and Title V Greenhouse Gas Tailoring Rule (Tailoring Rule), that establish (1) that GHG is a regulated pollutant under South Dakota's PSD program, and (2) emission thresholds for determining which new stationary sources and modification projects become subject to South Dakota's PSD permitting requirements for their GHG emissions. The background for today's final rule, our rationale for disapproving the submitted rescission clause language, and EPA's national actions pertaining to GHGs is discussed in detail in our proposal (see 79 FR 8130, February 11, 2014). The comment period was open for 30 days and we received two adverse comment letters.

II. Response to Comments

We received adverse comments on our proposed action, specifically on our proposed disapproval of the rescission clause, from the South Dakota DENR. We received similar comments from Otter Tail Power Company. After considering the comments, EPA has decided to finalize our action as proposed. The comments and our responses follow.

Comment: DENR states that EPA's first proposed basis for disapproval was that the rescission clause would allow for revision of the SIP without the approval of the Administrator. EPA cited 40 CFR 51.105, which states that revisions of a plan, or portions thereof, will not be considered part of an applicable plan until such revisions have been approved by the Administrator in accordance with part 51.

DENR characterizes EPA as stating that the rescission clause will be a revision of the plan down the road that the Administrator has not had a chance to approve. DENR disagrees, stating that EPA has the chance to approve the rescission clause now. Otter Tail Power Company makes a similar argument, stating that 40 CFR 51.105 will not be violated in the event of a triggering action because the Administrator will have already approved the fact that the rules can be revised.

Response: EPA disagrees with this comment. We did not say the rescission clause as submitted is not before EPA for approval. Instead, we said that we were considering whether any *future* change to the SIP that occurs as a result of the automatic rescission clause would be consistent with EPA's interpretation of the effect of the triggering EPA or federal court action. In this case, even if EPA were to approve South Dakota's rescission clause now, the SIP would be modified without any EPA interpretation of the triggering federal court action. This violates 40 CFR 51.105.

Comment: DENR states that EPA approval of the rescission clause would not violate any public notice requirements. DENR notes that the public had notice and opportunity to comment on both the State's rulemaking

process and on EPA's SIP approval process; Otter Tail Power Company likewise states that there has already been adequate notice and comment. DENR states that the public is thus aware that if a court issues an order vacating or otherwise invalidating EPA's PSD GHG regulations, the South Dakota provisions will be rescinded. Otter Tail Power Company states that any further public notice is unnecessary.

Response: EPA disagrees with this comment. EPA is not stating that there was insufficient notice that the rescission clause says what it says. EPA is stating that *in the future* there would be inadequate notice to the public as to the effects of a court decision. DENR does not dispute this, because DENR does not indicate that there is any notification mechanism that would take place after the court decision. Likewise, Otter Tail Power Company does not explain how the public would be adequately notified.

Comment: DENR states that EPA's disapproval of the rescission clause would place an undue burden on the regulated community. Businesses moving to South Dakota or trying to expand would be put on hold until South Dakota could go through the rule process of removing the vacated provisions and submitting the revisions to EPA for approval. DENR and Otter Tail Power Company note that EPA has taken nearly three years to act on this submittal. Otter Tail Power Company states that this shows it would take a similar amount of time to remove the provisions from South Dakota's SIP if the PSD GHG provisions are stayed or vacated. DENR states a concern that without the rescission clause, there could be a scenario where South Dakota's SIP would have a requirement the State could not enforce because the underlying rule or law was no longer valid but a third party or EPA could attempt to enforce.

Response: EPA disagrees with this comment. First, a rescission clause that meets the requirements we described in our proposal notice can become effective relatively quickly. For example, we have approved a rescission clause that takes effect upon EPA's publication of a direct final rule in the **Federal Register** that a court has vacated GHG PSD permitting requirements. 77 FR 12484 (Mar. 1, 2012). This triggering event serves both the purpose of public notification and EPA interpretation of the court decision. In that direct final rule, EPA stated:

> In the event of a court decision * * * that triggers (or likely triggers) application of Tennessee's automatic rescission provisions, EPA intends to promptly describe the impact of the court decision * * * on the enforceability of its GHG permitting regulations.

77 FR 12486. Thus, a rescission clause can meet CAA requirements and still become effective relatively quickly after a court decision, without need for the full SIP revision process.

Second, South Dakota provides no evidence that any businesses would have to be put on hold. Most sources that are subject to PSD GHG requirements are subject to PSD permitting anyway due to their emissions of other pollutants. Furthermore, both states and EPA have issued many PSD permits that address GHG requirements, without any apparent impact on the economy.

Comment: DENR notes that during the state rulemaking process, EPA commented on South Dakota's rescission clause and did not object to it, only asking that South Dakota remove the word ''reconsider'' from the provision. DENR states that this estops EPA from objecting to the provision now.

Response: EPA disagrees with this comment. First, section 110(l) mandates that EPA cannot approve a SIP revision that interferes with any requirement of the CAA. Regardless of comments made during the state rulemaking, this requirement applies. As explained in our proposal notice and response to comments, EPA has determined in this action that the rescission clause does not comply with requirements in the CAA and in our regulations.

Second, nothing in the CAA requires EPA to participate in a state rulemaking process or to reach a final determination during that process on whether a state rule meets the requirements of the CAA. In addition, nothing in EPA's comment stated that the revised language would be approvable, that the comment was EPA's final determination, or that the submittal would not be subject to further EPA review. And even if the comment had made such a statement, it would not give rise to estoppel, as regardless of any such statement CAA section 110(l) does not permit EPA to approve a SIP revision that interferes with requirements of the CAA. *See, e.g. Utah Power & Light Co.* v. *United States,* 243 U.S. 389 (1917) (''[T]he United States is neither bound nor estopped by acts of its officers or agents in entering into an arrangement or agreement to do or cause to be done what the law does not sanction or permit.'').

Comment: DENR states that South Dakota is in litigation with EPA regarding EPA's Tailoring Rule. EPA's disapproval of the rescission clause is tantamount to requiring the State to waive or compromise its claims in that litigation by taking a contrary position in its State rules, and is no less than coercion.

Response: EPA strongly disagrees with this comment. It appears to EPA that our disapproval of the rescission clause has no legal consequences for the State, nor has DENR identified any. First, there are no legal consequences under the CAA. A rescission clause is not a required element of the plan, and disapproval of it does not obligate the State in any way to make a new SIP submittal and does not create any potential for sanctions.[1] The State's PSD program remains fully approved.

Second, there are no consequences that are relevant to the litigation. EPA is not requiring DENR to change anything in state law. Nor is EPA requiring the State somehow to affirm EPA's legal position in the cited litigation. The State is not required to make any response of any type to EPA's disapproval. There is nothing in EPA's disapproval of the State's rescission clause that can be characterized as coercion.

III. What final action is EPA taking?

EPA is approving in part, and disapproving in part, the June 20, 2011 submittal that addresses the permitting of sources of GHGs for incorporation into the South Dakota SIP. Specifically, EPA is approving revisions to Chapter 74:36:09 that incorporate the Tailoring Rule into the State's definitions and requirements for PSD. EPA is disapproving the provision that would rescind the State's Tailoring Rule revision in certain circumstances. EPA will take separate action on an amendment in the June 20, 2011 submittal to Chapter 74:36:20, Construction Permits for New Sources or Modifications, regarding permits for minor sources.

EPA is approving changes to Definitions, Section 74:36:01:08(2), which revises the major source definition so that it applies to any air pollutant ''subject to regulation as required by EPA,'' and Section 74:36:01:15(6), which adds the six GHGs designated by EPA as regulated air pollutants to the definition of regulated air pollutant. EPA is not taking action on the addition of ''(73) ''Subject to regulation'' as defined in 40 CFR 70.2 (July 1, 2009), as revised in publication 75 FR 31607 (June 3, 2010), in accordance with EPA requirements,''

[1] Even if this disapproval did create potential for sanctions—which it does not—that would not constitute coercion. *See e.g., Virginia* v. *Browner,* 80 F.3d 869 (4th Cir. 1996).

because it applies to the title V permitting program which is not part of the SIP.

IV. Statutory and Executive Orders Review

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 final action merely approves state law that meets federal requirements and disapproves state law that does not meet federal requirements. This action will 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 17, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: March 24, 2014.

Shaun L. McGrath,

Regional Administrator, Region 8.

40 CFR part 52 is amended to read 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 QQ—South Dakota

■ 2. Section 52.2170 is amended in paragraph (c)(1):

■ a. By adding table entries for 74:36:01:08 and 74:36:01:15 in numerical order; and

■ b. By revising table entry for 74:36:09:02.

The amendments read as follows:

§ 52.2170 Identification of plan.

* * * * *

(c) * * *

(1) * * *

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
	74:36:01 Definitions			
*	*	*	*	*
74:36:01:08	Major source defined	4/4/1999	4/18/2014 [Insert **Federal Register** page number where the document begins.].	
74:36:01:15	Regulated air pollutant defined	1/5/1995	4/18/2014 [Insert **Federal Register** page number where the document begins.].	
*	*	*	*	*

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
74:36:09 Prevention of Significant Deterioration				
*	*	*	*	*
74:36:09:02	Prevention of significant deterioration	6/28/2010	4/18/2014 [Insert **Federal Register** page number where the document begins.].	
*	*	*	*	*

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

* * * * *

[FR Doc. 2014–08615 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0191; FRL–9909–60–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision for GP Big Island, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Virginia State Implementation Plan (SIP). The SIP revision consists of a revision to the operating permit for the control of visibility-impairing emissions from GP Big Island, LLC on a shutdown of an individual unit. EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on June 17, 2014 without further notice, unless EPA receives adverse written comment by May 19, 2014. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0191 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0191, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2013–0191. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by email at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 17, 2008, the Commonwealth of Virginia submitted a state operating permit for the control of visibility-impairing emissions from GP Big Island LLC located in Bedford County, Virginia. This permit consists of two power boilers (numbers 4 and 5). This permit was issued pursuant to Article 52 (9 VAC–5–40–7550 et seq.) of 9 VAC 5–40 (Existing Stationary Sources), and Article 5 (VAC 5–80–800 et seq.) of 9 VAC 5–80 (Permits for Stationary Sources) of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution.

II. Summary of SIP Revision

On December 21, 2012, the Commonwealth of Virginia submitted a SIP revision that consists of an amendment of the state operating permit for GP Big Island, LLC. The Commonwealth of Virginia and GP Big Island, LLC entered into a mutual determination of permanent shutdown of an individual unit consisting of the number 4 power boiler, in accordance with 9 VAC5–20–220 of Virginia's Regulations for the Control and Abatement of Air Pollution, regarding the shutdown of a stationary source. This SIP revision amends the state operating permit reflecting control of visibility-impairing pollutants in order

to reflect the unit shutdown. This permit action is for the purpose of the shutdown agreement only, and no alterations are made to limits for power boiler number 5.

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.'' Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Final Action

EPA is approving Virginia's SIP revision that consists of the amended permit for GP Big Island, LLC reflecting the unit shutdown. Because the unit is shutdown permanently and the state operating permit has been revised accordingly, EPA is approving the amended permit as a SIP revision. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on June 17, 2014 without further notice unless EPA receives adverse comment by May 19, 2014. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

V. Statutory and Executive Order Reviews

A. General Requirements

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, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, this 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.

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action pertaining to the Virginia SIP revision for GP Big Island, LLC, 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.

Dated: April 4, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

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 VV—Virginia

■ 2. In § 52.2420, the table in paragraph (d) is amended by revising the entry for George Pacific Corporation. The revised text reads as follows:

§ 52.2420 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED SOURCE SPECIFIC REQUIREMENTS

Source name	Permit/order or registration No.	State effective date	EPA Approval date	40 CFR Part 52 citation
*	*	*	*	*
GP Big Island, LLC	Registration No. 30389.	10/5/12	4/18/14 *[Insert page number where the document begins].*	52.2420(d); BART permit revised to reflect the unit shutdown; replaces permit dated 6/12/08.
*	*	*	*	*

* * * * *

[FR Doc. 2014–08658 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[Docket No. EPA–R02–OAR–2013–0592; FRL–9909–65–Region 2]

Approval and Promulgation of Air Quality Implementation Plans; New York State; Redesignation of Areas for 1997 Annual and 2006 24-Hour Fine Particulate Matter and Approval of the Associated Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 27, 2013 the New York State Department of Environmental Conservation (NYSDEC) submitted a request for the Environmental Protection Agency (EPA) to approve the redesignation of the New York portion of the New York-N.New Jersey-Long Island, NY-NJ-CT nonattainment area for the 1997 annual and the 2006 24-hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). In conjunction with its redesignation request, New York submitted a State Implementation Plan (SIP) revision containing a maintenance plan for the area that provides for continued maintenance of the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. The submittals included the 2007 ammonia (NH_3), volatile organic compounds (VOC), nitrogen oxides (NO_X), PM_{10}, direct $PM_{2.5}$ and sulfur dioxide (SO_2) emissions inventories submitted to meet the comprehensive emissions inventory requirements of section 172(c)(3) of the Clean Air Act (CAA), and accompanying motor vehicle emissions budgets. EPA is taking final action to approve the requested SIP revisions and to redesignate the New York portion of the New York-N.New Jersey-Long Island, NY-NJ-CT nonattainment area to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS.

DATES: This rule is effective on April 18, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2013–0592. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information

whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Programs Branch, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007.

FOR FURTHER INFORMATION CONTACT: Gavin Lau (*lau.gavin@epa.gov*), Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4249.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background and Purpose

On June 27, 2013, the NYSDEC submitted a request to redesignate the New York portion of the New York-N.New Jersey-Long Island, NY-NJ-CT nonattainment area (NYNAA) from nonattainment to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Concurrently, NYSDEC submitted a maintenance plan for the area as a SIP revision to ensure continued attainment. NYSDEC provided supplemental submissions to EPA on September 18, 2013, and February 27, 2014, to clarify portions of the redesignation request, maintenance plan, and emissions information.

Specific details regarding EPA's analysis of New York's SIP can be found in the proposed rulemaking published in the **Federal Register** (FR) on February 11, 2014 (79 FR 8133).

II. What comments did EPA receive on its proposal?

EPA received three comments in support of the proposal. No adverse comments were received.

III. What corrections were made to emissions information?

On February 27, 2014, NYSDEC submitted updated information correcting PM_{10} emissions for eight emissions units. Control efficiencies were not applied to these units which affects how rule effectiveness is calculated. The corrections to the PM_{10} emissions do not affect the redesignation of the NYNAA for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS from nonattainment to attainment. Typographical corrections were also made to NH_3 emissions information. The corrections do not affect air quality or EPA's analysis which concludes that the NYNAA meets the requirements for redesignation under section 107(d)(3)(E) of the CAA. The State's maintenance plan shows that the NYNAA will continue to maintain the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS and demonstrates that $PM_{2.5}$ and $PM_{2.5}$ precursor emissions inventories will remain below the attainment year inventories through at least 2025. Tables 5, 6A, 6B, and 6C have been amended for PM_{10} and NH_3 emissions and now read as follows:

TABLE 5—2007 NYNAA $PM_{2.5}$ BASE YEAR INVENTORY

[In tons/year]

Source sector	VOC	NO_X	PM_{10}	$PM_{2.5}$	SO_2	NH_3
Point	3,707.01	38,195.94	124,948.39	124,750.31	43,886.32	862.89
Nonpoint	101,481.89	41,899.74	48,054.84	11,621.00	29,513.22	1,960.83
Nonroad	46,026.72	59,512.46	4,170.45	3,899.30	6,052.88	1.96
On road	71,379.46	149,501.91	9,723.36	6,835.30	982.77	3,584.40
Road Dust	N/A	N/A	3,483.59	1,174.60	N/A	N/A
Total	222,595.08	289,110.05	190,380.63	148,280.52	80,435.19	6,410.08

TABLE 6A—2007 EMISSION TOTALS BY SOURCE SECTOR (tpy) FOR THE NYNAA

Source sector	VOC	NO_X	PM_{10}	$PM_{2.5}$	SO_2	NH_3
Point	3,707.01	38,195.94	124,948.39	124,750.31	43,886.32	862.89
Nonpoint	101,481.89	41,899.74	48,054.84	11,621.00	29,513.22	1,960.83
Nonroad	46,026.72	59,512.46	4,170.45	3,899.30	6,052.88	1.96
On road	71,379.46	149,501.91	9,723.36	6,835.30	982.77	3,584.40
Road Dust	N/A	N/A	3,483.59	1,174.60	N/A	N/A
Total	222,595.08	289,110.05	190,380.63	148,280.52	80,435.19	6,410.08

TABLE 6B—2017 EMISSION TOTALS BY SOURCE SECTOR (tpy) FOR THE NYNAA

Source sector	VOC	NO_X	PM_{10}	$PM_{2.5}$	SO_2	NH_3
Point	4,131.72	37,066.75	124,936.11	124,290.57	43,484.29	867.60
Nonpoint	93,790.95	36,640.38	34,306.76	9,403.95	4,412.25	1,915
Nonroad	26,408.16	45,197.21	3,040.77	2,809.06	4,212.42	1.12
On road	33,083.83	68,362.66	7,171.83	3,897.71	939.20	2,340.95
Road Dust	N/A	N/A	2,959.46	954.01	N/A	.....
Tappan Zee Project	N/A	457.00	N/A	N/A	N/A	.....
Total	157,414.67	187,724.00	172,414.93	141,355.28	53,048.17	5,124.68

TABLE 6C—2025 EMISSION TOTALS BY SOURCE SECTOR (tpy) FOR THE NYNAA

Source sector	VOC	NO_X	PM_{10}	$PM_{2.5}$	SO_2	NH_3
Point	4,153.64	37,645.59	124,943.65	124,294.66	43,596.39	872.33
Nonpoint	94,698.56	35,467.73	38,066.67	10,126.70	4,389.48	1,924.66
Nonroad	24,737.31	42,773.21	2,519.12	2,290.95	4,599.34	1.05
On road	26,911.17	51,260.81	6,952.22	3,291.09	935.40	2,443.53
Road Dust	N/A	N/A	3,184.31	960.05	N/A	
Total	150,500.68	167,147.34	175,665.97	140,963.45	53,520.61	5,241.57

IV. What is EPA's final action?

EPA has evaluated New York's redesignation request and determined that it meets the redesignation criteria set forth in the CAA, and is consistent with Agency regulations and policy. EPA is taking several actions on New York's request. EPA is approving New York's request for the redesignation of the New York portion of the NY-NJ-CT nonattainment area from nonattainment to attainment for the 1997 $PM_{2.5}$ annual and the 2006 $PM_{2.5}$ 24-hour NAAQS. EPA is approving New York's maintenance plan for the New York portion of the NY-NJ-CT nonattainment area because it meets the requirements set forth in section 175A of the CAA. EPA is approving the 2007 NH_3, VOC, NO_X, PM_{10}, direct $PM_{2.5}$ and SO_2 emissions inventories as meeting the comprehensive emissions inventory requirements of section 172(c)(3) of the CAA. Additionally, EPA is approving the 2009, 2017, and 2025 motor vehicle emissions budgets for $PM_{2.5}$ and NO_X.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective immediately upon publication. A delayed effective date is unnecessary due to the nature of a redesignation to attainment, which eliminates CAA obligations that would otherwise apply. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves New York of the obligation to comply with nonattainment-related planning requirements for this $PM_{2.5}$ Area pursuant to Part D of the CAA. For these reasons, EPA finds good cause under 5 U.S.C. 553(d) for this action to become effective on the date of publication of this rulemaking.

V. 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 17, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may

not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: April 7, 2014.

Judith A. Enck,

Regional Administrator, Region 2.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart HH—New York

■ 2. Section 52.1670 is amended by adding a new entry to the end of the table in paragraph (e) to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(e) * * *

EPA–APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Action/SIP Element	Applicable geographic or nonattainment area	New York submittal date	EPA Approval date	Explanation
*	*	*	*	*
Maintenance plan for the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standards. 2007 attainment year emissions inventory. 2009, 2017, and 2025 motor vehicle emissions budget.	New York portion of the 1997 and 2006 New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area.	6/27/13 and supplemented on 9/18/13 and 2/27/14.	4/18/14 [Insert page number where the document begins].	

■ 3. Section 52.1678 is amended by adding new paragraphs (h), (i), and (j) to read as follows:

§ 52.1678 Control strategy and regulations: Particulate matter.

* * * * *

(h) Approval—The maintenance plan submitted on June 27, 2013, and supplemented on September 18, 2013 and February 27, 2014, for the 1997 $PM_{2.5}$ National Ambient Air Quality Standard and the 2006 $PM_{2.5}$ National Ambient Air Quality Standard for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area has been approved.

(1) The maintenance plan establishes 2009 motor vehicle emission budget for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area. The budget is allocated as follows: 5,516.75 tons per year for $PM_{2.5}$ and 106,020.09 tons per year for NO_X.

(2) The maintenance plan establishes 2017 motor vehicle emission budget for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area. The budget is allocated as follows: 3,897.71 tons per year for $PM_{2.5}$ and 68,362.66 tons per year for NO_X.

(3) The maintenance plan establishes 2025 motor vehicle emission budget for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area. The budget is allocated as follows: 3,291.09 tons per year for $PM_{2.5}$ and 51,260.81 tons per year for NO_X.

(i) Approval—The 2007 attainment year emissions inventory for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area. This inventory satisfies the comprehensive emission inventory requirements of section 172(c)(3).

(j) Approval—The 2007 base year inventory for PM_{10} to establish a PM_{10} emissions inventory for New York County.

PART 81—[AMENDED]

■ 4. The authority citation for part 81 continues to read as follows:

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

■ 5. In § 81.333:

■ a. The table entitled ''New York—$PM_{2.5}$ (Annual NAAQS)'' is amended by revising the entries under ''New York-N. New Jersey-Long Island, NY-NJ-CT'' for ''Bronx County'', ''Kings County'', ''Nassau County'', ''New York County'', ''Orange County'', ''Queens County'', ''Richmond County'', ''Rockland County'', ''Suffolk County'', and ''Westchester County''.

■ b. The table entitled ''New York—$PM_{2.5}$ [24-hour NAAQS]'' is amended by revising the entries under ''New York-N. New Jersey-Long Island, NY-NJ-CT'' for ''Bronx County'', ''Kings County'', ''Nassau County'', ''New York County'', ''Orange County'', ''Queens County'', ''Richmond County'', ''Rockland County'', ''Suffolk County'', and ''Westchester County''.

The revisions read as follows:

§ 81.333 New York.

* * * * *

NEW YORK—$PM_{2.5}$

[Annual NAAQS]

Designated area	Designation [a]	
	Date [1]	Type
* * * * * * *		
New York-N. New Jersey-Long Island, NY-NJ-CT		
Bronx County	4/18/14	Attainment.
Kings County	4/18/14	Attainment.
Nassau County	4/18/14	Attainment.
New York County	4/18/14	Attainment.
Orange County	4/18/14	Attainment.
Queens County	4/18/14	Attainment.
Richmond County	4/18/14	Attainment.
Rockland County	4/18/14	Attainment.
Suffolk County	4/18/14	Attainment.
Westchester County	4/18/14	Attainment.
* * * * * * *		

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.

NEW YORK—$PM_{2.5}$

[24-Hour NAAQS]

Designated area	Designation for the 1997 NAAQS [a]		Designation for the 2006 NAAQS [a]	
	Date [1]	Type	Date [2]	Type
* * * * * * *				
New York-N. New Jersey-Long Island, NY-NJ-CT				
Bronx County		Unclassifiable/Attainment	4/18/14	Attainment.
Kings County		Unclassifiable/Attainment	4/18/14	Attainment.
Nassau County		Unclassifiable/Attainment	4/18/14	Attainment.
New York County		Unclassifiable/Attainment	4/18/14	Attainment.
Orange County		Unclassifiable/Attainment	4/18/14	Attainment.
Queens County		Unclassifiable/Attainment	4/18/14	Attainment.
Richmond County		Unclassifiable/Attainment	4/18/14	Attainment.
Rockland County		Unclassifiable/Attainment	4/18/14	Attainment.
Suffolk County		Unclassifiable/Attainment	4/18/14	Attainment.
Westchester County		Unclassifiable/Attainment	4/18/14	Attainment.
* * * * * * *				

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is 30 days after November 13, 2009, unless otherwise noted.

* * * * *

[FR Doc. 2014–08747 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1626

Restrictions on Legal Assistance to Aliens

AGENCY: Legal Services Corporation

ACTION: Final rule.

SUMMARY: This final rule updates the Legal Services Corporation (LSC or Corporation) regulation on legal assistance to aliens. The rule implements statutory changes regarding aliens eligible for legal assistance from LSC recipients that have been enacted since the pertinent provisions of the existing regulation were last revised in 1997. Additional information is located in the **SUPPLEMENTARY INFORMATION** section.

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

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007, (202) 295–1563 (phone), (202) 337–6519 (fax), *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. General Authorities, Impetus for Rulemaking, and Existing Rules

LSC's current appropriation restrictions, including those governing the assistance that may be provided to aliens, were enacted in 1996 and have been reincorporated annually with amendments. Section 504(a)(11) of the FY 1996 LSC appropriation prohibits the Corporation from providing funds to any person or entity (recipient) that provides legal assistance to aliens other than those covered by statutory exceptions. Sec. 504(a)(11), Public Law 104–134, Title V, 110 Stat. 1321, 1321–54.

In subsequent years, Congress expanded eligibility to discrete

categories of aliens. In 1997, Congress passed the Kennedy Amendment, which allowed LSC recipients to use non-LSC funds to provide related legal assistance to aliens who were battered or subjected to extreme cruelty in the United States by family members. Sec. 502(a)(2)(C), Public Law 104–208, Div. A, Title V, 110 Stat. 3009, 3009–60. Congress limited the type of assistance that recipients could provide to ''legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty described in'' regulations issued pursuant to VAWA (hereinafter ''related assistance''). Sec. 502(b)(2), Public Law 104–208, Div. A, Title V, 110 Stat. 3009–60. Congress renewed the Kennedy Amendment in the FY 1998 reincorporation and modification of the LSC appropriation restrictions. Sec. 502(a)(2)(C), Public Law 105–119, Title V, 111 Stat. 2440, 2511. Thereafter, LSC's annual appropriation has incorporated the FY 1998 restrictions by reference. *See, e.g.,* Public Law 113–6, Div. B, Title IV, 127 Stat. 198, 268 (LSC FY 2013 appropriation).

The next expansions of eligibility came through the passage of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA) and its progeny. Public Law 106–386, 114 Stat. 1464 (22 U.S.C. 7101 note). Through the TVPA, Congress directed the Board of Directors of LSC, along with Federal benefits granting agencies, to ''expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims.'' Sec. 107(b)(1)(B), Public Law 106–386, 114 Stat. 1475 (22 U.S.C. 7105(b)(1)(B)). Congress passed the Trafficking Victims Protection Reauthorization Act (TVPRA) in 2003, which made certain family members of victims of severe forms of trafficking (''derivative T visa holders'') eligible to receive legal services from LSC-funded recipients. Sec. 4(a)(2)(B)(i), Public Law 108–193, 117 Stat. 2875, 2877 (22 U.S.C. 7105(b)(1)(B)).

In January of 2006, Congress passed the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005). VAWA 2005 further amended section 502(a)(2)(C) of the FY 1998 LSC appropriation to expand the categories of aliens to whom recipients may provide related assistance by adding aliens who (1) are victims of sexual assault or trafficking in the United States; or (2) qualify for U visas under section 101(a)(15)(U) of the Immigration and Nationality Act (INA). Sec. 104, Public Law 109–162, 119 Stat. 2960, 2978. The U visa provision of the INA allows aliens who are victims of one or more of the crimes listed therein and who may assist in law enforcement investigations or prosecutions related to such crimes, or who are family members of such victims, to remain in the United States for a limited period. 8 U.S.C. 1101(a)(15)(U). Additionally, VAWA 2005 removed the Kennedy Amendment's restriction on the use of LSC funds to provide representation to aliens who are eligible for services under VAWA 2005. Sec. 104(a)(1)(A), Public Law 109–162, 119 Stat. 2979–80. The amended text of section 502 is not codified, but the pertinent portion is available at *http://www.lsc.gov/about/lsc-act-other-laws/violence-against-women-act-public-law-109-162-2006.*

The final expansion of eligibility occurred in 2007. The FY 2008 LSC appropriation amended section 504(a)(11) of the FY 1996 LSC appropriation to extend eligibility for assistance to forestry workers admitted to the United States under the H–2B temporary worker provision in section 101(a)(15)(H)(ii)(b) of the INA. Sec. 540, Public Law 110–161, Div. B, Title V, 121 Stat. 1844, 1924.

LSC last revised part 1626 in 1997. After the alienage restrictions were enacted in 1996, LSC adopted an interim rule to implement the restrictions. 61 FR 45750, Aug. 29, 1996. While this rule was pending for comment, Congress passed the Kennedy Amendment. LSC subsequently revised part 1626 to implement the Kennedy Amendment. 62 FR 19409, Apr. 21, 1997, amended by 62 FR 45755, Aug. 29, 1997. In 2003, LSC added a list of documents establishing the eligibility of aliens for legal assistance from LSC grant recipients as an appendix to part 1626. 68 FR 55540, Sept. 26, 2003. The appendix has not been changed since 2003.

After 1997, LSC apprised recipients through program letters of certain statutory changes expanding alien eligibility for legal assistance provided by LSC-funded recipients. Program Letter 02–5 (May 15, 2002) (TVPA); Program Letter 05–2 (Oct. 6, 2005) (TVPRA; superseded Program Letter 02–5); Program Letter 06–2 (Feb. 21, 2006) (VAWA 2005). The final rule will incorporate the policies set forth in Program Letters 05–2 and 06–2. Both letters will be superseded upon publication of the final rule and will be removed from the ''Current Program Letters'' page of LSC's Web site.

II. Procedural Background

As a result of the numerous amendments to the alien eligibility provisions of the FY 1996 LSC appropriation, the Corporation determined that rulemaking to update part 1626 was appropriate. On April 14, 2013, the Operations and Regulations Committee (the Committee) of the LSC Board of Directors (the Board) recommended that the Board authorize rulemaking to conform part 1626 to statutory authorizations. On April 16, 2013, the Board authorized the initiation of rulemaking.

Pursuant to the LSC Rulemaking Protocol, LSC staff prepared a proposed rule amending part 1626 with an explanatory rulemaking options paper. On July 22, 2013, the Committee recommended that the Board approve the proposed rule for notice and comment rulemaking. On July 23, 2013, the Board approved the proposed rule for publication in the **Federal Register** for notice and comment. LSC published the notice of proposed rulemaking (the NPRM) in the **Federal Register** on August 21, 2013. 78 FR 51696, Aug. 21, 2013. The comment period remained open for sixty days and closed on October 21, 2013.

On January 23, 2014, the Committee considered the draft final rule for publication. After hearing from staff and stakeholders about changes to § 1626.4(c) in the final rule and the possible consequences of those changes, the Committee voted to recommend delaying final consideration of the rule pending an opportunity for public comment on those changes. On January 25, 2014, the Board voted to proceed with a further notice of proposed rulemaking (FNPRM). LSC published the FNPRM in the **Federal Register** on February 5, 2014. 79 FR 6859, Feb. 5, 2014. The comment period closed on March 7, 2014.

On April 7, 2014, the Committee considered the draft final rule and voted to recommend its publication to the Board. On April 8, 2014, the Board voted to adopt and publish the final rule.

All of the comments and related memos submitted to the LSC Board regarding this rulemaking are available in the open rulemaking section of LSC's Web site at *http://www.lsc.gov/about/regulations-rules/open-rulemaking.* After the effective date of the rule, those materials will appear in the closed rulemaking section at *http://www.lsc.gov/about/regulations-rules/closed-rulemaking.*

III. Discussion of Comments and Regulatory Provisions

LSC received fifteen comments in response to the NPRM. Eight comments were submitted by LSC-funded recipients, four were submitted by non-LSC-funded non-profit organizations,

and three were submitted by individuals. All of the comments are posted on the rulemaking page of LSC's Web site: *www.lsc.gov/about/regulations-rules.* Most commenters supported the revisions to conform part 1626 to the statutes expanding eligibility for legal services to certain crime victims, victims of severe forms of trafficking, and H–2B forestry workers. LSC received the greatest number of comments in response to the three issues the Corporation specifically sought comment on: the distinction between the VAWA 2005 and TVPA definitions of ''trafficking,'' the geographic location of the predicate activity for eligibility, and the geographic location of the victim.

Organizational Note

In the final rule, definitions that the NPRM placed in § 1626.4(c) are being moved to § 1626.2. As a result, paragraphs (d) through (g) of § 1626.4 are being redesignated as paragraphs (c) through (f). In the following discussion of the comments and the changes to the proposed rule, the relabeled paragraphs will be referred to by the designation to be used in the final rule, except where the proposed rule is explicitly referenced.

Specific Areas in Which LSC Requested Comments

1. Whether the VAWA Term ''trafficking'' Differs From the TVPA/TVPRA/INA Term ''severe forms of trafficking,'' and, if so, How the Terms Are Different and What Evidence LSC Recipients Should Rely on in Distinguishing Between These Two Terms

LSC received seven comments in response to this request. Of the seven, one observed a trend of linking the VAWA and INA definitions of trafficking to the TVPA term ''severe forms of trafficking'' and suggested that the term ''severe forms of trafficking'' should control all uses of the term ''trafficking.'' The other six commenters generally agreed that the VAWA 2005 term ''trafficking'' differs from the term ''severe forms of trafficking'' used in the TVPA and the INA. All six of those commenters believed that ''trafficking'' as used in VAWA 2005 is a broader term than the TVPA's ''severe forms of trafficking.'' This belief applied to both the plain term ''trafficking'' in VAWA 2005 and the qualifying crime of trafficking for purposes of U visa eligibility under section 101(a)(15)(U) of the INA. One commenter noted that ''the term 'trafficking' was included in the U visa provisions to cover forms of human trafficking'' in which persons were being trafficked, but would have difficulty meeting the ''severe forms of trafficking'' standard to obtain eligibility for benefits under the TVPA. By making trafficking a crime for which individuals could qualify for related legal assistance or a U visa, the commenter continued, Congress extended ''protection and help [to] both the trafficking victims who could meet the severe forms test and those who could not.''

Commenters differed, however, in how they believed LSC should account for the difference in definitions. Five commenters recommended that LSC adopt VAWA 2005's broader term ''trafficking'' over the TVPA's ''severe forms of trafficking.'' A sixth commenter asserted that in determining eligibility, ''a LSC funded organization should be able to rely on the applicable state statute which would make the applicant eligible for a U visa or the federal statute which defines 'severe form of trafficking,' whichever is broader. Moreover, LSC funded organizations should be able to rely on any evidence that supports the applicable definition in a particular case.''

In order to qualify for a U visa, an alien must be a victim of at least one of the types of criminal activity listed in section 101(a)(15)(U)(iii) of the INA. The listed crimes, which include ''trafficking,'' must ''violate[] the laws of the United States or occur[] in the United States (including in Indian country and military installations) or the territories and possessions of the United States[.]'' 8 U.S.C. 1101(a)(15)(U)(i)(IV). Neither the INA nor VAWA 2005 defines the term ''trafficking.''

The TVPA also fails to define ''trafficking,'' although it does define and use the terms ''severe forms of trafficking in persons'' and ''sex trafficking.'' 22 U.S.C. 7102. The TVPA defines ''sex trafficking'' as ''the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.'' 22 U.S.C. 7102(9). ''Severe forms of trafficking in persons'' means:

> (a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
>
> (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

22 U.S.C. 7102(8). The TVPA does not reference state, tribal, or territorial laws that criminalize trafficking.

LSC agreed with the commenters that the VAWA term ''trafficking,'' incorporating as it does crimes that would constitute trafficking if they violated state or federal law, is broader than both ''sex trafficking'' and ''severe forms of trafficking in persons'' as defined in the TVPA. Indeed, ''trafficking'' as used in VAWA 2005 would include both sex trafficking and severe forms of trafficking in persons, as both are defined as crimes by a federal law, the TVPA. For purposes of eligibility for services under § 1626.4, LSC will retain the proposed definitions of ''victim of trafficking'' and ''victim of severe forms of trafficking'' with minor revisions to track the relevant statutes more closely. The reason for using these definitions is that victims of trafficking under VAWA 2005 and victims of severe forms of trafficking under the TVPA are eligible for differing types of legal assistance. Trafficking victims eligible under VAWA may receive only legal assistance related to battery, cruelty, sexual assault, or trafficking and other specified crimes, while victims of severe forms of trafficking under the TVPA may receive any legal assistance that is not otherwise restricted and is within the recipient's priorities. It is therefore important to retain the distinction between the two in order to ensure that individuals receive the legal assistance that is appropriate for their basis of eligibility.

LSC also sought comment on the types of evidence that recipients should rely on to distinguish between victims of trafficking under VAWA 2005 and victims of severe forms of trafficking under the TVPA. Only one commenter responded to this request, stating that the organization was unclear about what kind of information LSC sought. The commenter also stated that ''recipients should be able to rely on the definition in the statute that is applicable to the crime involved and evidence that meets that definition.'' In response to this comment, LSC will revise proposed § 1626.4(e), renumbered as § 1626.4(d) in the final rule, to separate the evidence that may be presented by individuals eligible for legal assistance under VAWA 2005 from forms of evidence that may be presented by victims of severe forms of trafficking under the TVPA. For individuals who claim eligibility based on being a victim of trafficking under VAWA 2005, § 1626.4(d)(2) will incorporate the list used in proposed § 1626.4(e). LSC notes that this list is nonexclusive, and that recipients may accept other types of credible evidence. Evidence may also include an application for a U visa or

evidence that the individual was granted a U visa.

Section 1626.4(d)(3) will set forth the types of evidence that are unique to victims of severe forms of trafficking. These forms of evidence include a certification letter issued by the U.S. Department of Health and Human Services (HHS) or, in the case of a minor victim of severe forms of trafficking, an interim or final eligibility letter issued by HHS. Recipients may also call the HHS trafficking verification line at (202) 401–5510 or (866) 401–5510 to confirm that HHS has issued an alien a certification letter. HHS is the only federal agency authorized to certify victims of severe forms of trafficking to receive public benefits or to issue eligibility letters to minors. It is important to note that minors do not need to have an eligibility letter to be eligible for services. Recipients only need to determine that a minor meets the definition of a victim of severe forms of trafficking in 22 U.S.C. 7105(b)(1)(C).

2. The Geographic Location in Which the Predicate Activity Takes Place

LSC proposed to interpret the VAWA 2005 phrase ''victim of trafficking in the United States'' and the TVPA phrase ''victim of severe forms of trafficking in the United States'' to require that an alien be trafficked into or experience trafficking within the United States to be eligible for legal assistance from LSC-funded recipients. LSC believed that this interpretation was necessary because LSC read the qualifier ''in the United States'' to apply to the activity of trafficking, rather than to the victim of trafficking.

With regard to the geographical restriction as it applied to trafficking under VAWA 2005, LSC received eight comments. One commenter simply stated that LSC's interpretation was correct. Seven commenters disagreed with LSC's proposed interpretation, arguing in all instances that ''in the United States'' modified ''victim of trafficking'' or ''victim of severe forms of trafficking,'' rather than just ''trafficking.'' Of the commenters who disagreed with LSC's interpretation, four linked the VAWA 2005 language to the language in section 7105(b)(1)(B) of the TVPA authorizing LSC and federal benefits-granting agencies to expand benefits and services to ''victims of severe forms of trafficking in the United States[.]'' These commenters understood the phrase ''in the United States'' to ''refer to the location of the victim, rather than the location of the abuse,'' and relied on the heading of section 7105(b) of the TVPA, ''Victims in the United States,'' in support of their reading. One commenter noted that trafficking is a qualifying crime for U visa eligibility, and that section 101(a)(15)(U) of the INA does not require that an alien have been a victim of one of the qualifying crimes within the United States to be eligible to receive a U visa. Two commenters noted that VAWA 2005 authorizes the use of LSC funds to provide legal assistance to both ''victims of sexual assault or trafficking in the United States'' and aliens who qualify for a U visa, which they asserted meant that even if LSC's interpretation were correct, LSC-funded recipients could still provide assistance to aliens who were victims of sexual assault or trafficking outside the United States because both crimes are qualifying crimes under section 101(a)(15)(U)(iii) of the INA. The last commenter opposing LSC's interpretation observed that the VAWA 2005 amendments to section 502 made that section ''internally inconsistent.'' The commenter remarked that VAWA 2005 created two categories of eligibility—one for victims of battery, extreme cruelty, sexual assault, or trafficking ''in the United States,'' and one for aliens qualified for U visa status, which specifically contemplates that qualifying crimes are those that ''violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States[.]'' 8 U.S.C. 1101(a)(15)(U)(i)(IV). Because trafficking is a qualifying crime for U visa eligibility, the commenter continued, VAWA 2005 appears to treat trafficking inconsistently. Finally, the commenter noted that by treating trafficking as requiring activity to occur in the United States, but not placing the same requirement on sexual assault and domestic violence, which are also qualifying crimes for U visa eligibility, the regulation is unnecessarily internally inconsistent.

The same seven commenters likewise opposed LSC's proposed interpretation of the TVPA term ''victims of severe forms of trafficking in the United States.'' Most of the commenters pointed to the plain language of the TVPA and the INA in support of their argument. First, they noted that the TVPA definition of ''severe form of trafficking in persons'' does not include a geographical limitation to trafficking activities that occur in the United States. Second, they assert that the title of section 107(b) of the TVPA, ''Victims in the United States,'' makes clear that it is the victims, rather than the activities, that must be in the United States. 22 U.S.C. 7105(b). Finally, they relied on the INA criteria for T visa eligibility. In order to qualify for a T visa, an alien must be a victim of severe forms of trafficking in persons; must be willing to cooperate with law enforcement, unable to cooperate due to physical or psychological trauma, or be under the age of 18; and must be ''physically present in the United States . . . on account of such trafficking, including physical presence on account of the alien having been allowed entry into the United States for participation in investigative or judicial processes associated with an act or a perpetrator of trafficking[.]'' 8 U.S.C. 1101(a)(15)(T).

LSC agreed that it would be inconsistent with the plain language of the INA, VAWA 2005, and the TVPA and its progeny to require that an alien have been trafficked into or within the United States to qualify for legal assistance from an LSC-funded recipient. For this reason, LSC revised the language in proposed § 1626.4(d)(1) to remove the requirement that an alien have been subjected to trafficking activity in the United States in order to be eligible to receive legal assistance from an LSC recipient.

LSC also is making two technical amendments to proposed § 1626.4(d). The first renames proposed § 1626.4(d) ''Relationship to the United States,'' and § 1626.4(d)(1) ''Relation of activity to the United States.'' LSC is making these changes to reflect that although the criminal activity giving rise to eligibility under VAWA does not need to occur in the United States, the crime must have violated the laws of the United States. The second change is restating in § 1626.4(d)(1) the language from section 101(a)(15)(U)(i)(IV) of the INA that a listed crime must have violated the laws of the United States or occurred within the United States in order to be a qualifying crime for purposes of U visa eligibility.

3. Whether an Alien Must Be Physically Present in the United States To Receive Legal Assistance

In the NPRM, LSC proposed that aliens eligible to receive legal assistance under one of the anti-abuse statutes would be eligible for such assistance regardless of whether they were present in the United States. LSC reasoned that the anti-abuse statutes, viewed collectively, did not require an alien to be present in the United States to be eligible to receive legal assistance. LSC received eight comments on this issue. Seven commenters agreed with LSC's proposed position. One commenter opposed.

The seven commenters responding in support of LSC's position generally noted that the position was consistent with section 101(a)(15)(U) of the INA, which contemplates that an alien who qualifies for U visa relief may have been a victim of a qualifying crime that occurred outside the United States. One commenter pointed out that Congress amended VAWA to allow eligible victims to file petitions for relief from outside the United States. Another commenter remarked that victims of abuse may find themselves outside the United States for reasons related to the abuse if suffered here, and that the legal assistance provided by an LSC-funded recipient may be essential to ensuring that the victims are able to petition successfully for legal status.

The commenter opposing LSC's proposal first argued that LSC is improperly ''tying the removal of geographical presence in with the new applicability of assistance to aliens receiving U visas.'' The commenter believed that the ability of aliens who were victims of qualifying crimes that occurred outside the United States to apply for U visa relief from outside the United States ''has no bearing on territorial requirements for individuals receiving assistance from the VAWA amendments.'' Secondly, the commenter argued that allowing recipients to represent aliens not present in the United States would significantly increase the case work of LSC recipients and would likely lead to the expenditure of scarce resources in pursuit of frivolous petitions for immigration relief. None of the LSC recipients who commented on the NPRM indicated that they were unable to serve adequately aliens eligible under the anti-abuse statutes or were otherwise compromising their representation of other eligible clients.

LSC continues to believe that the proposed language is consistent with Congressional intent in removing the requirement that an alien have been a victim of battery, extreme cruelty, or sexual abuse in the United States. As discussed in the preceding section, however, the VAWA 2005 amendment to section 502(a)(2)(C) of the FY 1998 LSC appropriation is internally inconsistent with respect to whether victims of trafficking must be in the United States in order to be eligible for benefits. This is because the U visa provision of the INA, which includes trafficking as a qualifying crime, contemplates that the trafficking may occur outside the United States, *see* 8 U.S.C. 1101(a)(15)(U)(i)(IV) (''the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States. . . .''), while the amendment to section 502(a)(C) uses the phrase ''victim of . . . trafficking in the United States.'' Sec. 104(a), Public Law 109–162, 119 Stat. 2960, 2979.

Because the modifier ''in the United States'' must be given some meaning, LSC interpreted the VAWA 2005 term ''victim of . . . trafficking in the United States'' to mean that an alien who is seeking legal assistance as a victim of trafficking under VAWA does not need to show that the trafficking activity occurred in the United States, but must be present in the United States to be eligible for assistance. This reading was consistent with the reading that LSC applied to the term ''victim of severe forms of trafficking in the United States'' in the TVPA.

Section 101(a)(15)(T)(i)(II) of the INA, discussed above, requires a victim of severe forms of trafficking to be present in the United States on account of such trafficking in order to be eligible for a T visa. ''On account of such trafficking'' includes, but is not limited to, having been allowed entry to assist law enforcement in the investigation and prosecution of an act or perpetrator of trafficking. 8 U.S.C. 1101(a)(15)(T)(i)(II). LSC believes that this language also includes a victim of severe forms of trafficking abroad who flees into the United States to escape the trafficking. Under these circumstances, the victim is in the United States ''on account of such trafficking,'' and would be eligible for LSC-funded legal assistance.

Based on the comments received and the subsequent review of the INA, LSC proposed to modify the language in proposed § 1626.4(d), renumbered as § 1626.4(c), to reflect the distinction between eligibility for victims of trafficking who qualify for a U visa and those who are eligible under VAWA or under the TVPA. LSC also proposed to add § 1626.4(c)(2), ''Relationship of alien to the United States,'' to describe the circumstances under which an alien must be present in the United States to be eligible for legal assistance under the anti-abuse statutes. Section 1626.4(c)(2)(i) stated that victims of battery, extreme cruelty, or sexual abuse, or who are qualified for a U visa, do not need to be present in the United States to receive legal assistance from LSC-funded recipients. Section 1626.4(c)(2)(ii) addressed victims of severe forms of trafficking, who must be present in the United States on account of such trafficking to be eligible for LSC-funded legal assistance. Finally, § 1626.4(c)(2)(iii) addressed victims of trafficking under VAWA, who only need to be present in the United States to be eligible for assistance.

During the Committee meeting on January 23, 2014, stakeholders expressed concern regarding the modified language in § 1626.4(c)(2), specifically that the distinctions between victims of trafficking under VAWA, aliens qualified for a U visa on the basis of trafficking, and victims of severe forms of trafficking under the TVPA in the final rule could have unintended consequences.

The Committee and the Board responded to this concern by authorizing the publication of an FNPRM seeking comments on the modified language in § 1626.4(c)(2). 79 FR 6859, Feb. 5, 2014. LSC sought comment on two discrete issues. The first question focused on LSC's interpretation of the phrase ''in the United States'' as it applied to victims of trafficking under VAWA and victims of severe forms of trafficking under the TVPA. 79 FR at 6863. On the second issue, LSC asked whether the phrase ''in the United States'' in VAWA modified the crime of trafficking, all listed crimes preceding the phrase ''in the United States,'' or the term ''victim.'' *Id.* LSC received eleven comments in response to the FNPRM. Members of the public submitted six of the comments, national non-profit organizations submitted three comments, and legal services providers, LSC-funded and non-LSC-funded, submitted the other two comments.

On the first question, commenters were divided about whether LSC's interpretation of the phrase ''victims of . . . trafficking in the United States'' as requiring the victim to be in the United States at the time the victim sought assistance from an LSC recipient was correct. One commenter stated that the interpretation was correct as applied to victims of severe forms of trafficking under the TVPA. Another stated that LSC's interpretation did not go far enough because it did not explicitly state that victims of severe forms of trafficking who were brought back to the United States to assist in the investigation or prosecution of their traffickers could qualify for LSC-funded legal assistance. Four commenters stated that the requirement that victims of severe forms of trafficking under the TVPA be in the United States ''as a result of trafficking'' was overly broad. Finally, four commenters advocated for reading the phrase ''in the United States'' to be satisfied by a nexus between either the victim or the crime and the United States. In other words, the four commenters advocated that LSC read ''in the United States'' to mean that victims of trafficking under VAWA or

severe forms of trafficking under the TVPA would be eligible either if they were in the United States at the time they sought legal assistance or if they experienced trafficking in the United States. Commenters contended that such a broad reading of the phrase would accomplish the remedial purposes of the anti-abuse statutes.

With respect to the second question, commenters again split on which term in VAWA the phrase ''in the United States'' modified. While all commenters agreed that the phrase modified only trafficking, rather than ''sexual abuse or trafficking,'' there was no unanimity on whether the phrase modified ''victim of . . . trafficking,'' ''trafficking,'' or either one. Again, the majority of comments advocated for reading ''in the United States'' to allow eligibility for services if either the activity of trafficking occurred in the United States or the victim of trafficking is in the United States at the time he or she seeks legal assistance from an LSC-funded recipient.

LSC considered all comments received and reviewed the language proposed in the NPRM, the language proposed in the FNPRM, the TVPA, VAWA, and the relevant sections of the INA. After considering all of the above materials, LSC is retaining the language of § 1626.4(c) proposed in the FNPRM with modification. LSC continues to believe that the approach taken in the FNPRM is most consistent with the plain language of the TVPA, VAWA, and the INA.

Section 107 of the TVPA is titled ''Victims in the United States.'' 22 U.S.C. 7105. Section 107(b)(1)(B) of the TVPA authorizes the secretaries of HHS, Labor, and other federal benefits-granting agencies, as well as LSC, to expand benefits and services to ''victims of severe forms of trafficking in persons in the United States'' subject to subparagraph C. 22 U.S.C. 7105(b)(1)(B). The referenced subparagraph, section 107(b)(1)(C) defines the term ''victim of a severe form of trafficking in persons'' as used in section 107 more narrowly than the term is defined in the general definitions section of the TVPA. 22 U.S.C. 7105(b)(1)(C). In addition to being subjected to one of the crimes included within the general definition of ''severe forms of trafficking in persons,'' the section 107(b)(1)(C) definition requires that an individual be either under the age of 18 or the ''subject of a certification under subparagraph (E).'' 22 U.S.C. 7105(b)(1)(C). In order to receive a certification under subparagraph (E), a victim must have completed one of two immigration-related actions: the victim must have filed a bona fide application for a T visa that has not been denied, or the victim must have been granted continued presence to assist with the prosecution of traffickers. 22 U.S.C. 7105(b)(1)(E)(i)(II). Significantly, an individual must be present in the United States to be eligible for a T visa or to be granted continued presence.

Thus, the definition of ''victim of a severe form of trafficking in persons'' that explicitly applies to services funded by LSC contains a requirement that an adult victim have applied for or secured a type of immigration remedy for which presence in the United States is a necessary element. As a result, LSC believes that interpreting the phrase ''in the United States'' to mean that a victim of severe forms of trafficking under the TVPA must be present in the United States at the time the victim seeks legal assistance from an LSC recipient is most consistent with the definition. In the interest of uniformity and consistency across statutes, and in the absence of evidence that Congress intended otherwise, LSC also believes that it is appropriate to interpret ''in the United States'' the same way in VAWA. Therefore, LSC will retain the requirement that a victim of trafficking be present in the United States at the time the victim seeks assistance in order to be eligible for LSC-funded legal assistance. The presence requirement stated in § 1626.4(c)(2) does not apply to victims of trafficking located outside the United States who are seeking legal assistance as individuals qualified for a U visa.

LSC is modifying and redesignating § 1626.4(c)(2)(iii) in response to the comments. Four commenters stated that because only section 101(a)(15)(T) of the INA, which governs eligibility for T visas, requires that the victim's presence in the United States be on account of trafficking, applying the requirement to all victims of severe forms of trafficking is unnecessarily restrictive. The commenters pointed to the absence of a link between the trafficking activity and the victim's presence in the continued presence regulation issued by the Departments of Justice and State. 28 CFR 1100.35. LSC concurs with the comments. Accordingly, LSC will remove § 1626.4(c)(2)(ii), redesignate proposed § 1626.4(c)(2)(iii) as § 1626.4(c)(2)(ii), and will add victims of severe forms of trafficking to redesignated § 1626.4(c)(2)(ii) as a group that must be present in the United States to be eligible to apply for LSC-funded legal assistance.

During the Committee meeting on January 23, 2014, stakeholders also expressed a concern regarding the modified language in § 1626.4(c)(2) that the explicit reference to a presence requirement for victims of trafficking and severe forms of trafficking could be interpreted as precluding recipients from continuing to provide legal assistance to client victims of trafficking in the event the client left the United States after the commencement of services. With respect to this concern, LSC wishes to make clear that § 1626.4(c) applies to the initial determination of an alien's eligibility for legal assistance under the anti-abuse statutes. Once services have commenced, a client's subsequent departure from the United States does not necessarily render the client ineligible to continue receiving services. Consistent with the Corporation's longstanding policy, the specific circumstances presented by the client's situation will determine whether representation may continue if the client is absent from the United States. LSC determined in Program Letter 2000–2 that temporary absence from the United States does not change eligibility for individuals covered by the § 1626.5 presence requirement. Similarly, LSC determined that the H–2A presence requirement does not require a client to continue to be in the United States beyond the H–2A employment in order to continue receiving legal assistance. *See* LSC Board of Directors Meeting, November 20, 1999, transcript at 49, *http://go.usa.gov/B3D9* (implementing the recommendations of the *Erlenborn Commission Report, http://go.usa.gov/B3Tj*). In response to the FNPRM, LSC received five comments in support of this position and no comments in opposition.

General Comments

Comments not directed at a specific question or section of the regulations are discussed below.

LSC's Objective Regarding Inclusion of Eligible Aliens

LSC received comments during the public comment period and during the January 23, 2014 Committee meeting pertaining to the criteria that LSC established for determining the eligibility of victims of trafficking for legal assistance by LSC-funded entities and the inclusion or exclusion from eligibility of certain categories of aliens. LSC is addressing each of those comments in the discussion of the section giving rise to the comments. As an overall policy, LSC has drafted the regulation to give effect to Congress's intent that certain categories of aliens should be eligible to receive legal services from LSC recipients. In some cases, such as for victims of qualifying

crimes under VAWA or H–2 visa holders, those services are limited to assistance related to the basis for eligibility. LSC's policy is to permit LSC recipients to provide eligible aliens with legal services to pursue the substantive rights, such as immigration relief, that Congress has given them.

Establishing Requirements for Recipient Compliance With VAWA 2005

One commenter expressed concern that the regulatory language used to expand eligibility to the categories of aliens covered by VAWA 2005 was too weak. The commenter stated that VAWA 2005 and its subsequent reauthorization acts generally contain provisions requiring the Department of Homeland Security (DHS) to issue regulations and entities receiving funding through VAWA 2005 to take certain actions within prescribed time limits after passage of the statute. The commenter recommended that LSC revise the final rule to require that recipients

- Include in their next funding or renewal of funding applications copies of their written plans for implementing the changes called for in the final rule;
- Identify and consult with domestic violence, sexual assault, and victim services programs working to serve immigrant crime victims in the recipient's service area; and
- Submit with each funding application a copy of the recipient's plan for implementing § 1626.4, including a statement of the work the recipient has done to conduct outreach to, consult with, and collaborate with victim services providers with expertise providing assistance to underserved populations.

VAWA 2005 amended section 502 of the FY 1996 LSC appropriation to authorize LSC recipients to provide legal assistance, using LSC funds or non-LSC funds, to alien victims of battery, extreme cruelty, sexual assault, or trafficking in the United States, and aliens qualified for a U visa. VAWA 2005 does not require LSC to undertake any actions to implement the expanded authority, nor does it require LSC funding recipients to provide legal assistance to the new categories of eligible aliens. Because VAWA 2005 places no obligations on either LSC or its recipients and contains no timeframes within which they must take action, LSC is not placing implementation requirements on its recipients.

Publication of Interlineated Statute

One commenter recommended that LSC publish an interlineated statute showing the changes to section 502 of the FY 1996 LSC appropriation made by VAWA 2005 and republish an updated version each time it is amended. LSC publishes interlineated versions of the relevant statutes on the LSC Web site (*http://www.lsc.gov/about/lsc-act-other-laws/lsc-appropriations-acts-committee-reports*) and updates the page as necessary to reflect changes to the statutes. LSC believes that its practice of posting the interlineated statutes on its Web site addresses the commenter's recommendation and is sufficient to address changes to the laws affecting LSC and its recipients until the Corporation can undertake any necessary rulemaking.

Correcting Incorrect References

One commenter noted that the NPRM incorrectly referred to the ''Customs and Immigration Service,'' rather than the agency's proper name, ''Citizenship and Immigration Service.'' The references have been corrected.

Clarification That Individuals Should Receive the Highest Level of Services for Which They Are Eligible

In response to the FNPRM, LSC received two comments recommending that LSC clarify that individuals who are eligible for services under more than one of the anti-abuse statutes be considered as eligible for the most expansive level of services. One of the commenters requested that LSC include a provision in the rule to this effect. LSC appreciates the recommendations; however, LSC is not making amendments to the text beyond technical corrections or revisions based on responses to the specific questions asked in the FNPRM. Additionally, the substance of the clarification that these comments requested is addressed through the existing text of proposed § 1626.4(g) regarding changes in an individual's basis for eligibility.

Extension of the Comment Period

In response to the NPRM, four commenters recommended that LSC extend the comment period to allow other interested organizations the opportunity to comment. The commenters were three LSC-funded recipients and one national non-profit. Commenters stated that they had learned of the rulemaking shortly before the close of the comment period and that they believed the complex nature of the issues raised by the rulemaking required additional time to develop proper responses.

LSC did not believe an extension of the comment period for the August 21, 2013 NPRM was warranted. The comment period was open for sixty days, and recipients were advised of the rulemaking via email the day the NPRM was published in the **Federal Register**. For the three specific questions on which LSC sought comment in the NPRM, commenters overwhelmingly reached the same conclusion. On the other issues for which comments were received, commenters generally made the same recommendation. None of the four commenters requesting an extension identified any specific issue they intended to address if given additional time to respond. For these reasons, LSC did not believe it was necessary to reopen the comment period for the August 21, 2013 NPRM.

Section-by-Section Discussion of Comments and the Final Rule

1626.1 Purpose

LSC made no changes to this section.

1626.2 Definitions

1. Comment: One commenter stated that the list of anti-abuse statutes in § 1626.2(f) was incomplete. The commenter recommended adding the battered spouse waiver in the INA, 8 U.S.C. 1186a(c)(4)(C), the 2013 VAWA reauthorization, and the 2005, 2008, and 2013 reauthorizations of the TVPA to the list.

Response: As a matter of law, LSC does not have the authority to extend eligibility for legal assistance provided by LSC-funded recipients to aliens eligible for the battered spouse waiver under 8 U.S.C. 1186a(c)(4)(C). Of the statutes reauthorizing VAWA and the TVPA, only the 2005 VAWA reauthorization and the TVPRA of 2003 affected the eligibility of certain aliens to receive legal assistance from LSC-funded providers. LSC will revise the references to VAWA and the TVPA to indicate that LSC considers those statutes, as amended, as the anti-abuse statutes.

2. Comment: In response to the FNPRM, one commenter noted the use of the conjunction ''and'' to separate the terms ''victim of sexual assault'' and ''victim of trafficking'' within the definition of ''victim of sexual assault or trafficking'' in § 1626.2(k). The commenter voiced concern that the use of ''and'' made it appear that a victim must meet the terms of both provisions in order to qualify as a ''victim of sexual assault or trafficking,'' which would narrow the definition.

Response: LSC did not intend to narrow the definition and will replace ''and'' in § 1626.2(k)(i) with ''or.''

LSC made several changes to § 1626.2. In the final rule, LSC is moving the

definitions of ''battered or extreme cruelty,'' ''victim of sexual assault or trafficking,'' ''victim of severe forms of trafficking,'' and ''qualifies for immigration relief'' to § 1626.2 from proposed § 1626.4(c) to consolidate definitions in part 1626 for ease of reference. LSC believes that removing the definitions from the operational text of § 1626.4 will improve the readability and comprehensibility of the rule.

With respect to the definition of ''battered or extreme cruelty,'' LSC will reinstate the definition used in existing § 1626.2(f) in the final rule. LSC determined that the cross-reference to agency regulations defining the term did not clarify or add anything to the existing definition and could result in confusion if agencies differed in their definitions of the term.

The Corporation also will include a definition of the term ''certification.'' ''Certification'' is a term created by the TVPA and is defined at 22 U.S.C. 7105(b)(1)(E). Certification refers to the determination made by the Secretary of HHS that an individual was subjected to severe forms of trafficking, is willing to provide all reasonable assistance to law enforcement in the investigation or prosecution of a trafficker, and has either filed a bona fide application for a T visa that has not been rejected or has been granted continued presence to assist law enforcement by DHS.

In the final rule, LSC is making a technical amendment to the definition of ''victim of sexual assault.'' In the NPRM, proposed § 1626.4(c)(2)(i) defined ''a victim of sexual assault'' as an individual ''subjected to any conduct included in the definition of sexual assault or sexual abuse in VAWA, including but not limited to sexual abuse, aggravated sexual abuse, abusive sexual contact, or sexual abuse of a minor or ward[.]'' However, the term ''sexual abuse'' is not defined in VAWA, and the VAWA definition of ''sexual assault'' does not track the examples provided in the proposed definition. To avoid confusion, LSC will revise the definition to remove the reference to a definition of ''sexual abuse'' in VAWA and adopt by incorporation the VAWA definition of ''sexual assault.''

Finally, LSC will alphabetize the definitions in § 1626.2 for ease of reference.

1626.3 Prohibition

LSC received no comments on the proposed technical corrections to this section.

1626.4 Aliens Eligible for Assistance Under Anti-Abuse Laws

As stated earlier in this preamble, LSC will delete proposed § 1626.4(c) and move the definitions contained therein to § 1626.2. Proposed paragraphs (d) through (g) will be redesignated as paragraphs (c) through (f) in the final rule.

1626.4(a)(2) Legal Assistance to Victims of Severe Forms of Trafficking and Certain Family Members

Paragraph (a)(2) will incorporate the policies established in Program Letter 02–5 and Program Letter 05–2. Individuals eligible for legal assistance under the TVPA and the 2003 TVPRA include individuals applying for certification as victims of severe forms of trafficking and certain family members seeking immigration relief under section 101(a)(15)(T)(ii) of the INA (8 U.S.C. 1101(a)(15)(T)(ii)).

1626.4(b)(2) Types of Cases Constituting ''Related Legal Assistance''

Comment: One commenter suggested that LSC include within ''related legal assistance'' assistance ensuring that clients are protected by the privacy and confidentiality provisions of VAWA 2005 and are able to access the protections and benefits of education laws, including access to post-secondary educational grants and loans. According to the commenter, ''a significant component of effective representation of sexual assault victims and domestic violence victims in many cultural communities is ensuring privacy and confidentiality.'' Additionally, ''access to educational benefits and remedies under education laws to address the subsequent problems that stem from the abuse and accommodations sexual assault survivors may need in the educational context'' is an integral part of helping immigrant victims of sexual assault to move on with their lives, to stay in school, and to settle successfully in the United States.

By email dated November 25, 2013, LSC sought additional information from the commenter explaining the types of related legal assistance the commenter believed LSC recipients could provide in the context of VAWA confidentiality and privacy provisions. The commenter responded by email on December 13, 2013 with examples of assistance. The examples included ''preventing discovery of shelter records or mental health records of a victim in a custody, protection order, or criminal court proceeding,'' ''assistance with change of identity for crime victims who are witnesses eligible to participate in victim protection programs,'' and keeping information about the victim's immigration status and information contained in a victim's application for immigration relief under VAWA, 8 U.S.C. 1101(a)(15)(T), or 8 U.S.C. 1101(a)(15)(U), out of a family court case.

Response: LSC will retain the language in the proposed rule. LSC intended the examples of ''related legal assistance,'' including the list in the parenthetical, to be illustrative rather than exhaustive. LSC understands that there may be types of assistance, including assistance protecting confidentiality and privacy rights or ensuring access to education, which may constitute ''related legal assistance.'' The key factor for recipients to consider in determining whether a requested service is ''related legal assistance'' is the connection between the assistance and the purposes for which assistance can be given: escaping abuse, ameliorating the effects of the abuse, or preventing future abuse. To the extent that ensuring clients are protected by the privacy and confidentiality provisions of VAWA and the protections and benefits of education laws is necessary to help the clients escape, ameliorate the effects of, or prevent future abuse, legal assistance to secure those protections and benefits would constitute ''related legal assistance.''

1626.4(c) Relationship to the United States

As stated in the discussion of § 1626.2, LSC is deleting the definitions from this paragraph and moving the definitions to § 1626.2. Proposed paragraph (d) will be relocated to paragraph (c) in the final rule.

LSC is making a technical change to paragraph (c). LSC is adding an introductory sentence to paragraph (c) stating that both paragraph (c)(1) and one subsection of paragraph (c)(2) must be met in order for an alien to be eligible for legal assistance under part 1626.

1626.4(d) Evidentiary Support

Because LSC is deleting paragraph (c), this paragraph will be relocated to paragraph (d) in the final rule.

1. Comment: LSC received four comments regarding the types of evidence that recipients may consider in support of a showing that an alien is eligible for legal assistance under one of the anti-abuse statutes. All of the comments supported the use of the list of evidentiary types taken directly from VAWA.

Response: LSC will retain the text of proposed § 1626.4(e) with respect to types of evidentiary support.

2. Comment: One commenter recommended that LSC revise proposed paragraphs (e) and (f) to ''clearly state that where programs may represent individuals without regard to their citizenship or immigration status . . . programs are not required to inquire into the citizenship or immigration status of these clients.'' Another commenter similarly suggested that LSC should include language in the final rule shifting the eligibility focus at intake from citizenship or eligible alien status to victimization.

Response: LSC will retain the language of the proposed rule. VAWA 2005 authorizes, rather than requires, LSC funds to be used to represent victims of battery, extreme cruelty, sexual assault, and trafficking, or aliens who are qualified for a U visa. Recipients are responsible for setting their own priorities and may choose not to prioritize the types of assistance that are authorized under VAWA 2005. LSC believes that recipients should retain the discretion to conduct their intake processes in the ways that they determine are the most effective at identifying clients who are eligible for services and whose cases are within the recipients' priority areas.

LSC reminds recipients that Advisory Opinion AO–2009–1008 addressed the question whether recipients must determine the immigration status of aliens who qualify for assistance under one of the anti-abuse statutes. In that opinion, the Office of Legal Affairs stated that once a recipient determined that an individual has a legal need that would qualify for the exceptions of the anti-abuse statutes to the alienage requirement, the recipient does not need to inquire into the citizenship or immigration status of that individual. The final rule does not affect the validity of the conclusion stated in AO–2009–1008.

3. Comment: Two commenters recommended revising the examples of changes in eligibility in proposed § 1626.4(e). One recommended including examples of when an alien's eligibility for legal assistance may change from eligibility under an anti-abuse statute to eligibility by reason of the alien's immigration status and vice versa in the preamble to the final rule. The other recommended removing or revising the examples in § 1626.4. The commenter believed that the examples provided in proposed § 1626.4(e) were ''problematic'' because they suggested that an individual whose application for status was rejected would subsequently be deemed ineligible to receive legal assistance under the anti-abuse statutes or they were too vague about which component of DHS made the determination of ineligibility and at which stage of review the determination of ineligibility was made. The commenter also opined that the requirement in the draft rule and in Program Letter 06–2 that recipients terminate representation of an individual once DHS issued a final denial of the individual's petition for a U visa is without basis in law. The commenter reasoned that the VAWA 2005 amendment to section 502 of the FY 1996 LSC appropriation based eligibility for services on an individual's ''qualifying'' for a U visa, which the commenter stated ''arguably applies when there is a need for corrected documents or there is after-acquired evidence.''

Response: LSC is removing the examples from the text of the regulation. However, LSC wishes to clarify two points in response to the comments. The existing regulation defines ''rejected'' as ''an application that has been denied by DHS and is not subject to further administrative appeal.'' In the example of the ''final denial'' of a petition for a U visa, LSC did not intend to create ambiguity and should have used the regulatory term ''rejected.''

With respect to subsequent eligibility, LSC did not intend the examples to suggest that an individual whose application for status was rejected because of insufficient or incomplete evidence would be ineligible for related legal assistance at a later date if the individual returned with additional evidence that he or she was a victim of battery or extreme cruelty, sexual assault, trafficking, or one of the qualifying crimes for a U visa. The example was intended only to explain how an individual's eligibility for services may change when the application in connection with which the individual qualified for services is rejected.

LSC is sensitive to the difficulties that alien victims of abuse may have in developing and documenting credible evidence of the abuse. For purposes of eligibility, however, LSC's policy is that once the petition for a U visa upon which an individual was determined to be eligible for services has been rejected and no further avenues of appeal are available for that petition, the individual must be deemed not qualified for a U visa and the recipient must terminate representation consistent with applicable rules of professional responsibility unless there is another basis upon which the alien can be found eligible. The individual may be found eligible for services based on qualifying for a U visa at a later time if the individual can provide additional credible evidence supporting his or her claim for eligibility.

LSC will remove the statement at the end of proposed § 1626.4(e) that recipient staff should review the evidence presented at intake to support an individual's basis for eligibility under the anti-abuse statutes. Upon further consideration, LSC determined that this sentence was unduly prescriptive about how recipients assess eligibility and appeared to set up a different rule for reviewing eligibility under the anti-abuse statutes. Recipients should have mechanisms in place for evaluating a client's continued eligibility for services, regardless of the basis for eligibility.

1626.4(e) Recordkeeping

Because LSC is deleting paragraph (c), this paragraph will be relocated to paragraph (e) in the final rule.

Comment: Two commenters opposed the requirement in proposed paragraphs (f)(1) and (f)(2) that if an alien provides a visa or visa application as evidence to support his eligibility for legal services under the anti-abuse statutes, the recipient must keep a copy of the document in its files. One commenter noted that the requirement was a change in LSC policy, which currently does not require applicants to keep copies of immigration documents to prove alien eligibility. The other commenter stated that such a requirement is contrary to ''motivations and the direction of the evolution of federal VAWA confidentiality law.'' The commenter described the confidentiality provisions of VAWA as protecting not only the information contained within a VAWA, T, or U visa application, but also as preventing a third party from obtaining information about the existence of such applications except in certain carefully circumscribed cases.

Response: LSC agrees with these comments. In the final rule, LSC will replace proposed § 1626.4(f) with language substantially similar to existing § 1626.4(b): ''Recipients are not required by § 1626.12 to maintain records regarding the immigration status of clients represented pursuant to this section.'' The Corporation is including a sentence in the final rule stating that if an alien presents a recipient with an immigration document as evidence of eligibility under the anti-abuse statutes, the recipient shall document eligibility under the anti-abuse statutes by making a note in the client's file stating that the recipient has seen the visa or the

application for a visa that supports the applicant's claim for eligibility and identifying the type of document, the applicant's alien registration number (''A number''), the date of the document, and the date of the review. The note should be signed by the staff member who reviewed the document. LSC understands the confidentiality concerns that this approach may raise; however, recipients must be able to document the basis for an individual's eligibility. In the event an alien presents an immigration document, LSC believes that documenting the basis for eligibility by recording the type of immigration document presented is reasonable and accommodates the commenters' concern.

1626.4(f) Changes in Basis for Eligibility

Because LSC is deleting paragraph (c), this paragraph will be relocated to paragraph (f) in the final rule. No other changes will be made to this paragraph.

1626.5 Aliens Eligible for Assistance Based on Immigration Status

1. Comment: LSC received four comments regarding proposed § 1626.5(e). The proposed change to this section updated the reference to withholding of removal under prior section 243(h) of the INA, 8 U.S.C. 1253(h), to section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3), to reflect the transfer of the provision from one section of the INA to the other. The comments were substantially similar in their recommendation and rationale. The commenters recommended that persons granted withholding of deportation under prior section 243(h) of the INA should not be removed from the regulation because some persons are still subject to deportation proceedings or orders of deportation and cannot obtain withholding of removal under section 241(b)(3) of the INA.

Response: LSC made this change to the rule to reflect an update to the INA. Further research showed that Congress intended individuals with orders of exclusion or deportation to be treated the same as individuals with orders of removal. In the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Congress recharacterized the actions of deportation (expulsion from the United States) and exclusion (barring from entry into the United States) into a single action—removal. Sec. 304, Public Law 104–208, Div. C, Tit. III, 110 Stat. 3009–589 (8 U.S.C. 1229a) (establishing ''removal proceedings'' as the proceedings in which an immigration judge would decide the admissibility or deportability of an alien); *see also* 8 U.S.C. 1229(e)(2) (defining ''removable'' to mean that an alien is either inadmissible under section 212 of the INA or deportable under section 237 of the INA); Sec. 308, Public Law 104–208, Div. C, Tit. III, 110 Stat. 3009–614–3009–625 (amending various sections of the INA to change references to ''deportation'' or ''exclusion'' to ''removal''). Section 309(d)(2) of IIRIRA explicitly states that for carrying out the purposes of the INA, ''any reference in law to an order of removal shall be deemed to include a reference to an order of exclusion and deportation or an order of deportation.'' Sec. 309(d)(2), Public Law 104–208, Div. C, Tit. III, 110 Stat. 3009–627 (8 U.S.C. 1101 note).

LSC does not believe that, when Congress passed IIRIRA, it intended to bar individuals granted withholding of deportation under prior section 243(h) of the INA from continued eligibility for legal services from an LSC-funded recipient. Rather, the various provisions in IIRIRA consolidating ''deportation'' and ''exclusion'' under the umbrella of ''removal,'' combined with the deeming provision in section 309(d)(2), suggest that Congress intended the rights, remedies, and obligations attending deportation and exclusion to carry over to removal. Consequently, LSC is revising § 1626.5(e) to restore the references to individuals who received withholding of deportation under prior INA section 243(h).

2. Comment: The same four commenters recommended that LSC include in § 1626.5 ''withholding of removal under the Convention Against Torture (CAT)'' and ''deferral of removal under CAT'' as bases for eligibility. Their reasons for the recommendation were twofold. First, withholding and deferral of removal under the CAT are ''extremely similar'' to withholding of deportation or removal under prior section 243(h) or current section 241(b) of the INA, respectively, because each type of withholding is intended to prevent an individual from being involuntarily returned to a country where his or her life or freedom would be endangered. The second reason was a practical one: individuals may not have documentation specifying which type of withholding of removal they have received. The commenters stated that the United States Citizenship and Immigration Service uses the same code for all three types of withholding.

Response: LSC is sensitive to the fact that individuals who have obtained withholding of removal under the CAT may need legal assistance in much the same way that individuals who have received withholding of deportation under prior section 243(h) of the INA or withholding of removal under section 241(b) of the INA do. However, Congress has not authorized LSC to extend eligibility to individuals who have obtained withholding of removal under the CAT. Because LSC has neither the authority nor the discretion to extend eligibility for LSC-funded legal assistance to these individuals, LSC will retain the text from the proposed rule.

LSC is making a technical amendment to § 1626.5(c). The first sentence of the section states that an alien who has been granted asylum by the Attorney General under Section 208 of the INA is eligible for assistance. LSC will insert the phrase ''or the Secretary of DHS'' to reflect the fact that Section 208 of the INA, 8 U.S.C. 1158, has been amended to give the Secretary of DHS the authority to grant asylum, in addition to the Attorney General. Sec. 101(a)(1), (2), Public Law 109–13; 119 Stat. 231, 302 (8 U.S.C. 1158).

1626.6 Verification of Citizenship

LSC received no comments on the proposed changes to this section.

1626.7 Verification of Eligible Alien Status

LSC received comments on the proposal to remove the appendix to part 1626 and publish the contents as a program letter or equivalent document, which will be discussed in the section on the appendix. LSC received no comments on the other proposed changes to this section.

1626.8 Emergencies

LSC received no comments on the proposed changes to this section.

1626.9 Change in Circumstances

LSC made no changes to this section.

1626.10 Special Eligibility Questions

LSC made no changes to this section.

1626.11 H–2 Agricultural and Forestry Workers

Comment: LSC received two comments in response to the proposed revisions to § 1626.11. LSC proposed to amend § 1626.11 to add H–2B forestry workers as a new category of aliens eligible for legal assistance from LSC-funded recipients, consistent with the FY 2008 LSC appropriation act's amendment to section 504(a)(11)(E) of the FY 1996 LSC appropriation act. Both comments supported the amendment, stating that the ability to represent H–2A agricultural and H–2B forestry workers enables recipients to engage more fully in investigating and enforcing labor laws, particularly wage and conditions laws. One commenter

recommended that Congress should act to expand eligibility for LSC-funded legal assistance to ''all low-income workers, regardless of their immigration status.''

Response: LSC appreciates the comments in support of the revisions to § 1626.11. LSC is making technical amendments to paragraphs (a) and (b) in the final rule. The original version of § 1626.11 stated that agricultural workers ''admitted under the provisions of 8 U.S.C. 1101(a)(15)(h)(ii)'' were eligible for legal assistance related to certain issues arising under the workers' employment contracts. 53 FR 40194, 40196, Oct. 19, 1988 (NPRM); 54 FR 18109, 18112, Apr. 27, 1989 (final rule). This language omitted the full relevant text of the statute that made nonimmigrant workers ''admitted to or permitted to remain in the United States under'' 8 U.S.C. 1101(a)(15)(h)(ii)(A) eligible for legal services. Sec. 305, Public Law 99–603, 100 Stat. 3359, 3434. Congress used the same ''admitted to, or permitted to remain in'' language when it expanded eligibility to H–2B forestry workers. Sec. 540, Public Law 110–161, Div. B, Title V, 121 Stat. 1844, 1924. This same omission was made in the NPRM for this rule. 78 FR 51696, 51704, Aug. 21, 2013. The omission of this language was an oversight and LSC is amending paragraphs (a) and (b) to include it.

Proposed Appendix to Part 1626—Examples of Documents and Other Information Establishing Alien Eligibility for Representation by LSC Programs

1. Comment: LSC received seven comments in response to the proposal to remove the appendix to part 1626 and instead publish the list of documents establishing alien eligibility as program letters or equivalent policy documents. Six commenters supported the proposal, and one commenter objected. The six commenters supporting the proposal agreed with LSC's assessment that the frequently changing nature of immigration documents and forms requires a more flexible means of disseminating up-to-date information to LSC recipients than the rulemaking procedure allows. One of the comments in support, however, recommended that LSC publish the initial program letter for public comment and establish a comment and feedback procedure for issuance of subsequent program letters.

The desire for notice and comment was reflected in the one comment opposing the proposal. The commenter opposing the removal of the appendix asserted that experienced immigration practitioners are often in the best position to understand fully the types of documentation that can adequately demonstrate an eligible alien status. The commenter stated that because rulemaking is the only way to ensure an opportunity for public comment and obtaining public comment is consistent with LSC's policy of engaging in open dialogue with its stakeholders, LSC should continue publishing the list of documentary evidence as the appendix to part 1626.

2. Comment: In response to the FNPRM, LSC received one comment asserting that the program letter constitutes guidelines or instructions that require notice and an opportunity for comment under section 1008(e) of the LSC Act, 42 U.S.C. 2996g(e).

Response: LSC agreed that practitioner input is essential to ensuring that the list of documents and other evidence of alien eligibility is complete, accurate, and useful. LSC did not agree that the program letter constitutes guidance or instructions requiring notice and public comment. As stated in the preamble to the NPRM, LSC is publishing the initial program letter replacing the appendix to part 1626 under the LSC Rulemaking Protocol. The Rulemaking Protocol requires the Corporation to provide a comment period of at least thirty days for any regulatory changes that occur through notice and comment rulemaking. 67 FR 69762, 69764, Nov. 19, 2002. LSC does not intend removal of the list of documents from the regulation to limit the ability of recipients to provide input into future versions of the list.

The program letter replacing the appendix to part 1626 was published for public comment on March 7, 2014. 79 FR 13017, Mar. 7, 2014. The comment period closed on April 7, 2014.

List of Subjects in 45 CFR Part 1626

Aliens, Grant programs-law, Legal services, Migrant labor, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Legal Services Corporation revises 45 CFR part 1626 to read as follows:

PART 1626—RESTRICTIONS ON LEGAL ASSISTANCE TO ALIENS

Sec.

1626.1 Purpose.
1626.2 Definitions.
1626.3 Prohibition.
1626.4 Aliens eligible for assistance under anti-abuse laws.
1626.5 Aliens eligible for assistance based on immigration status.
1626.6 Verification of citizenship.
1626.7 Verification of eligible alien status.
1626.8 Emergencies.
1626.9 Change in circumstances.
1626.10 Special eligibility questions.
1626.11 H–2 agricultural and forestry workers.
1626.12 Recipient policies, procedures, and recordkeeping.

Authority: 42 U.S.C. 2996g(e).

§ 1626.1 Purpose.

This part is designed to ensure that recipients provide legal assistance only to citizens of the United States and eligible aliens. It is also designed to assist recipients in determining the eligibility and immigration status of persons who seek legal assistance.

§ 1626.2 Definitions.

Anti-abuse statutes means the Violence Against Women Act of 1994, Public Law 103–322, 108 Stat. 1941, as amended, and the Violence Against Women and Department of Justice Reauthorization Act of 2005, Public Law 109–162, 119 Stat. 2960 (collectively referred to as ''VAWA''); Section 101(a)(15)(U) of the INA, 8 U.S.C. 1101(a)(15)(U); and the incorporation of these statutory provisions in section 502(a)(2)(C) of LSC's FY 1998 appropriation, Public Law 105–119, Title V, 111 Stat. 2440, 2510 as incorporated by reference thereafter; the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106–386, 114 Stat. 1464 (''TVPA''), as amended; and Section 101(a)(15)(T) of the Immigration and Nationality Act (''INA''), 8 U.S.C. 1101(a)(15)(T).

Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.

Certification means the certification prescribed in 22 U.S.C. 7105(b)(1)(E).

Citizen means a person described or defined as a citizen or national of the United States in 8 U.S.C. 1101(a)(22) and Title III of the Immigration and Nationality Act (INA), Chapter 1 (8 U.S.C. 1401 *et seq.*) (citizens by birth) and Chapter 2 (8 U.S.C. 1421 *et seq.*) (citizens by naturalization) or antecedent citizen statutes.

Eligible alien means a person who is not a citizen but who meets the requirements of § 1626.4 or § 1626.5.

Ineligible alien means a person who is not a citizen and who does not meet the requirements of § 1626.4 or § 1626.5.

On behalf of an ineligible alien means to render legal assistance to an eligible client that benefits an ineligible alien and does not affect a specific legal right or interest of the eligible client.

Qualifies for immigration relief under section 101(a)(15)(U) of the INA means:

(1) A person who has been granted relief under that section;

(2) A person who has applied for relief under that section and who the recipient determines has evidentiary support for such application; or

(3) A person who has not filed for relief under that section, but who the recipient determines has evidentiary support for filing for such relief.

(4) A person who *qualifies for immigration relief under section 101(a)(15)(U) of the INA* includes any person who may apply for primary U visa relief under subsection (i) of section 101(a)(15)(U) of the INA (8 U.S.C. 1101(a)(15)(U)(i)) or for derivative U visa relief for family members under subsection (ii) of section 101(a)(15)(U) of the INA (8 U.S.C. 1101(a)(15)(U)(ii)). Recipients may provide assistance for any person who qualifies for derivative U visa relief regardless of whether such a person has been subjected to abuse.

Rejected refers to an application for adjustment of status that has been denied by the Department of Homeland Security (DHS) and is not subject to further administrative appeal.

Victim of severe forms of trafficking means any person described at 22 U.S.C. 7105(b)(1)(C).

Victim of sexual assault or trafficking means:

(1) *A victim of sexual assault* subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29); or

(2) *A victim of trafficking* subjected to any conduct included in the definition of ''trafficking'' under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services (HHS).

United States, for purposes of this part, has the same meaning given that term in section 101(a)(38) of the INA (8 U.S.C. 1101(a)(38)).

§ 1626.3 Prohibition.

Recipients may not provide legal assistance for or on behalf of an ineligible alien. For purposes of this part, legal assistance does not include normal intake and referral services.

§ 1626.4 Aliens eligible for assistance under anti-abuse laws.

(a) Subject to all other eligibility requirements and restrictions of the LSC Act and regulations and other applicable law:

(1) A recipient may provide related legal assistance to an alien who is within one of the following categories:

(i) An alien who has been battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the INA (8 U.S.C. 1101(a)(15)(U)); or

(ii) An alien whose child, without the active participation of the alien, has been battered or subjected to extreme cruelty, or has been a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the INA (8 U.S.C. 1101(a)(15)(U)).

(2)(i) A recipient may provide legal assistance, including but not limited to related legal assistance, to:

(A) An alien who is a victim of severe forms of trafficking of persons in the United States; or

(B) An alien classified as a non-immigrant under section 101(a)(15)(T)(ii) of the INA (8 U.S.C. 1101(a)(15)(T)(ii), regarding others related to the victim).

(ii) For purposes of this part, aliens described in paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) of this section include individuals seeking certification as victims of severe forms of trafficking and certain family members applying for immigration relief under section 101(a)(15)(T)(ii) of the INA (8 U.S.C. 1101(a)(15)(T)(ii)).

(b) (1) *Related legal assistance* means legal assistance directly related:

(i) To the prevention of, or obtaining relief from, the battery, cruelty, sexual assault, or trafficking;

(ii) To the prevention of, or obtaining relief from, crimes listed in section 101(a)(15)(U)(iii) of the INA (8 U.S.C. 1101(a)(15)(U)(iii)); or

(iii) To an application for relief:

(A) Under section 101(a)(15)(U) of the INA (8 U.S.C. 1101(a)(15)(U)); or

(B) Under section 101(a)(15)(T) of the INA (8 U.S.C. 1101(a)(15)(T)).

(2) Such assistance includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).

(c) *Relationship to the United States.* An alien must satisfy both paragraph (c)(1) and either paragraph (c)(2)(i) or (ii) of this section to be eligible for legal assistance under this part.

(1) *Relation of activity to the United States.* An alien is eligible under this section if the activity giving rise to eligibility violated a law of the United States, regardless of where the activity occurred, or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States.

(2) *Relationship of alien to the United States.* (i) An alien defined in § 1626.2(b), (h), or (k)(1) need not be present in the United States to be eligible for assistance under this section.

(ii) An alien defined in § 1626.2(j) or (k)(2) must be present in the United States to be eligible for assistance under this section.

(d) *Evidentiary support*—(1) *Intake and subsequent evaluation.* A recipient may determine that an alien is qualified for assistance under this section if there is evidentiary support that the alien falls into any of the eligibility categories or if the recipient determines there will likely be evidentiary support after a reasonable opportunity for further investigation. If the recipient determines that an alien is eligible because there will likely be evidentiary support, the recipient must obtain evidence of support as soon as possible and may not delay in order to provide continued assistance.

(2) *Documentary evidence.* Evidentiary support may include, but is not limited to, affidavits or unsworn written statements made by the alien; written summaries of statements or interviews of the alien taken by others, including the recipient; reports and affidavits from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; orders of protection or other legal evidence of steps taken to end abuse; evidence that a person sought safe haven in a shelter or similar refuge; photographs; documents; or other evidence of a series of acts that establish a pattern of qualifying abuse.

(3) *Victims of severe forms of trafficking.* Victims of severe forms of trafficking may present any of the forms of evidence listed in paragraph (d)(2) of this section or any of the following:

(i) A certification letter issued by the Department of Health and Human Services (HHS).

(ii) Verification that the alien has been certified by calling the HHS trafficking verification line, (202) 401–5510 or (866) 401–5510.

(iii) An interim eligibility letter issued by HHS, if the alien was subjected to severe forms of trafficking while under the age of 18.

(iv) An eligibility letter issued by HHS, if the alien was subjected to severe forms of trafficking while under the age of 18.

(e) *Recordkeeping.* Recipients are not required by § 1626.12 to maintain records regarding the immigration status of clients represented pursuant to this section. If a recipient relies on an immigration document for the eligibility determination, the recipient shall document that the client presented an immigration document by making a note in the client's file stating that a staff member has seen the document, the type of document, the client's alien registration number (''A number''), the date of the document, and the date of the review, and containing the signature of the staff member that reviewed the document.

(f) *Changes in basis for eligibility.* If, during the course of representing an alien eligible pursuant to § 1626.4(a)(1), a recipient determines that the alien is also eligible under § 1626.4(a)(2) or § 1626.5, the recipient should treat the alien as eligible under that section and may provide all the assistance available pursuant to that section.

§ 1626.5 Aliens eligible for assistance based on immigration status.

Subject to all other eligibility requirements and restrictions of the LSC Act and regulations and other applicable law, a recipient may provide legal assistance to an alien who is present in the United States and who is within one of the following categories:

(a) An alien lawfully admitted for permanent residence as an immigrant as defined by section 101(a)(20) of the INA (8 U.S.C. 1101(a)(20));

(b) An alien who is either married to a United States citizen or is a parent or an unmarried child under the age of 21 of such a citizen and who has filed an application for adjustment of status to permanent resident under the INA, and such application has not been rejected;

(c) An alien who is lawfully present in the United States pursuant to an admission under section 207 of the INA (8 U.S.C. 1157) (relating to refugee admissions) or who has been granted asylum by the Attorney General or the Secretary of DHS under section 208 of the INA (8 U.S.C. 1158);

(d) An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7), as in effect on March 31, 1980) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity;

(e) An alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation or exclusion under section 243(h) of the INA (8 U.S.C. 1253(h), as in effect on April 16, 1996) or withholding of removal pursuant to section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)); or

(f) An alien who meets the requirements of § 1626.10 or § 1626.11.

§ 1626.6 Verification of citizenship.

(a) A recipient shall require all applicants for legal assistance who claim to be citizens to attest in writing in a standard form provided by the Corporation that they are citizens, unless the only service provided for a citizen is brief advice and consultation by telephone, or by other non-in-person means, which does not include continuous representation.

(b) When a recipient has reason to doubt that an applicant is a citizen, the recipient shall require verification of citizenship. A recipient shall not consider factors such as a person's accent, limited English-speaking ability, appearance, race, or national origin as a reason to doubt that the person is a citizen.

(1) If verification is required, a recipient may accept originals, certified copies, or photocopies that appear to be complete, correct, and authentic of any of the following documents as evidence of citizenship:

(i) United States passport;

(ii) Birth certificate;

(iii) Naturalization certificate;

(iv) United States Citizenship Identification Card (INS Form 1–197 or I–197); or

(v) Baptismal certificate showing place of birth within the United States and date of baptism within two months after birth.

(2) A recipient may also accept any other authoritative document, such as a document issued by DHS, by a court, or by another governmental agency, that provides evidence of citizenship.

(3) If a person is unable to produce any of the above documents, the person may submit a notarized statement signed by a third party, who shall not be an employee of the recipient and who can produce proof of that party's own United States citizenship, that the person seeking legal assistance is a United States citizen.

§ 1626.7 Verification of eligible alien status.

(a) An alien seeking representation shall submit appropriate documents to verify eligibility, unless the only service provided for an eligible alien is brief advice and consultation by telephone, or by other non-in-person means, which does not include continuous representation of a client.

(1) As proof of eligibility, a recipient may accept originals, certified copies, or photocopies that appear to be complete, correct, and authentic, of any documents establishing eligibility. LSC will publish a list of examples of such documents from time to time in the form of a program letter or equivalent.

(2) A recipient may also accept any other authoritative document issued by DHS, by a court, or by another governmental agency, that provides evidence of alien status.

(b) A recipient shall upon request furnish each person seeking legal assistance with a current list of documents establishing eligibility under this part as is published by LSC.

§ 1626.8 Emergencies.

In an emergency, legal services may be provided prior to compliance with §§ 1626.4, 1626.6, and 1626.7 if:

(a) An applicant cannot feasibly come to the recipient's office or otherwise transmit written documentation to the recipient before commencement of the representation required by the emergency, and the applicant provides oral information to establish eligibility which the recipient records, and the applicant submits the necessary documentation as soon as possible; or

(b) An applicant is able to come to the recipient's office but cannot produce the required documentation before commencement of the representation, and the applicant signs a statement of eligibility and submits the necessary documentation as soon as possible; and

(c) The recipient informs clients accepted under paragraph (a) or (b) of this section that only limited emergency legal assistance may be provided without satisfactory documentation and that, if the client fails to produce timely and satisfactory written documentation, the recipient will be required to discontinue representation consistent with the recipient's professional responsibilities.

§ 1626.9 Change in circumstances.

If, to the knowledge of the recipient, a client who was an eligible alien becomes ineligible through a change in circumstances, continued representation is prohibited by this part and a recipient must discontinue representation consistent with applicable rules of professional responsibility.

§ 1626.10 Special eligibility questions.

(a)(1) This part is not applicable to recipients providing services in the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, or the Republic of the Marshall Islands.

(2) All citizens of the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands residing in the United States are eligible to receive legal assistance provided that they are otherwise eligible under the Act.

(b) All Canadian-born American Indians at least 50% Indian by blood are eligible to receive legal assistance provided they are otherwise eligible under the Act.

(c) Members of the Texas Band of Kickapoo are eligible to receive legal assistance provided they are otherwise eligible under the Act.

(d) An alien who qualified as a special agricultural worker and whose status is adjusted to that of temporary resident alien under the provisions of the Immigration Reform and Control Act (''IRCA'') is considered a permanent resident alien for all purposes except immigration under the provisions of section 302 of 100 Stat. 3422, 8 U.S.C. 1160(g). Since the status of these aliens is that of permanent resident alien under section 101(a)(20) of the INA (8 U.S.C. 1101(a)(20)), these workers may be provided legal assistance. These workers are ineligible for legal assistance in order to obtain the adjustment of status of temporary resident under IRCA, but are eligible for legal assistance after the application for adjustment of status to that of temporary resident has been filed, and the application has not been rejected.

(e) A recipient may provide legal assistance to indigent foreign nationals who seek assistance pursuant to the Hague Convention on the Civil Aspects of International Child Abduction and the Federal implementing statute, the International Child Abduction Remedies Act, 42 U.S.C. 11607(b), provided that they are otherwise financially eligible.

§ 1626.11 H–2 agricultural and forestry workers.

(a) Nonimmigrant agricultural workers admitted to, or permitted to remain in, the United States under the provisions of section 101(a)(15)(h)(ii)(a) of the INA (8 U.S.C. 1101(a)(15)(h)(ii)(a)), commonly called H–2A agricultural workers, may be provided legal assistance regarding the matters specified in paragraph (c) of this section.

(b) Nonimmigrant forestry workers admitted to, or permitted to remain in, the United States under the provisions of section 101(a)(15)(h)(ii)(b) of the INA (8 U.S.C. 1101(a)(15)(h)(ii)(b)), commonly called H–2B forestry workers, may be provided legal assistance regarding the matters specified in paragraph (c) of this section.

(c) The following matters which arise under the provisions of the worker's specific employment contract may be the subject of legal assistance by an LSC-funded program:

(1) Wages;

(2) Housing;

(3) Transportation; and

(4) Other employment rights as provided in the worker's specific contract under which the nonimmigrant worker was admitted.

§ 1626.12 Recipient policies, procedures, and recordkeeping.

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part and shall maintain records sufficient to document the recipient's compliance with this part.

Dated: April 14, 2014.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2014–08833 Filed 4–17–14; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

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

RIN 1018–AZ87

2013–2014 Refuge-Specific Hunting and Sport Fishing Regulations; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correcting amendments.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a final rule in the **Federal Register** on March 17, 2014, to amend the refuge-specific regulations for certain refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2013–2014 season. Inadvertently, we made two technical errors in our regulatory text for Arapaho National Wildlife Refuge in Colorado. This action makes the necessary corrections to the regulations for that refuge.

DATES: This correction is effective April 18, 2014.

FOR FURTHER INFORMATION CONTACT: Brian Salem, (703) 358–2397.

SUPPLEMENTARY INFORMATION: In a final rule that published March 17, 2014 (79 FR 14809), we amended the refuge-specific regulations for certain refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2013–2014 season. The Arapaho National Wildlife Refuge (NWR) in Colorado is one of the refuges for which we published amended regulations. In the final rule, we inadvertently required that hunters may only use shotguns as the legal method of take for migratory game birds and upland game on Arapaho NWR. This requirement is inconsistent with Colorado State regulations, which allow take by both shotgun and falconry. Therefore, we are correcting the regulations for Arapaho NWR to provide that take of migratory game birds and upland game must comply with State regulations.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Regulation Promulgation

For the reasons set forth in the preamble, we amend title 50, chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 32—[AMENDED]

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i.

■ 2. Amend § 32.25 by revising paragraphs A.6 and B.4 under Arapaho National Wildlife Refuge to read as follows:

§ 32.25 Colorado.

* * * * *

Arapaho National Wildlife Refuge

A. * * *

6. Method of take for migratory game birds must comply with State regulations.

* * * * *

B. * * *

4. Method of take for upland game must comply with State regulations.

* * * * *

Dated: April 14, 2014.

Tina A. Campbell,

Chief, Division of Policy and Directives Management.

[FR Doc. 2014–08813 Filed 4–17–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120919470–3513–02]

RIN 0648–XD232

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Reopening of Commercial Penaeid Shrimp Trawling Off South Carolina

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

ACTION: Temporary rule; reopening.

SUMMARY: NMFS reopens commercial penaeid shrimp trawling, *i.e.,* for brown, pink, and white shrimp, in the exclusive economic zone (EEZ) off South Carolina in the South Atlantic. NMFS previously closed commercial penaeid shrimp trawling in the EEZ off South Carolina on February 13, 2014. The reopening is intended to maximize harvest benefits while protecting the penaeid shrimp resource.

DATES: The reopening is effective at 12:01 a.m., local time, May 1, 2014, until the effective date of a notification of a closure which will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Kate Michie, 727–824–5305; email: *Kate.Michie@noaa.gov.*

SUPPLEMENTARY INFORMATION: Penaeid shrimp in the South Atlantic are managed under the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Under 50 CFR 622.206(a), NMFS may close the EEZ adjacent to South Atlantic states that have closed their waters to the harvest of brown, pink, and white shrimp to protect the white shrimp spawning stock that has been severely depleted by cold weather or when applicable state water temperatures are 9 °C (48 °F), or less, for at least 7 consecutive days. Consistent with those procedures and criteria, after determining that unusually cold temperatures resulted in water temperatures of 9 °C (48 °F), or less, for at least 7 consecutive days in its state waters, the state of South Carolina closed its waters on January 13, 2014, to the harvest of brown, pink, and white shrimp. South Carolina subsequently requested that NMFS implement a concurrent closure of the EEZ off South Carolina.

NMFS determined that South Carolina's request for an EEZ closure conformed with the procedures and criteria specified in the FMP and the Magnuson-Stevens Act, and, therefore, implemented the concurrent EEZ closure effective as of February 13, 2014, and that in no case would the EEZ closure remain in effect after May 31, 2014 (79 FR 8635, February 13, 2014).

During the closure, as specified in 50 CFR 622.206(a)(2), no person could: (1) Trawl for brown, pink, or white shrimp in the EEZ off South Carolina; (2) possess on board a fishing vessel brown, pink, or white shrimp in or from the EEZ off South Carolina unless the vessel is in transit through the area and all nets with a mesh size of less than 4 inches (10.2 cm) are stowed below deck; or (3) for a vessel trawling within 25 nautical miles of the baseline from which the territorial sea is measured, use or have on board a trawl net with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut.

The FMP and implementing regulations at 50 CFR 622.206(a) state that: (1) The closure will be effective until the ending date of the closure in the state waters, but may be ended earlier based on the state's request; and (2) if the state closure is ended earlier, NMFS will terminate the closure of the EEZ by filing a notification to that effect with the Office of the Federal Register.

On April 7, 2014, the state of South Carolina requested the EEZ to be reopened no later than May 1, 2014, based on their biological sampling. The state of South Carolina is continuing its monitoring of both water conditions and the penaeid shrimp population in state waters but has not yet determined when the state waters reopening will occur. Therefore, NMFS publishes this notification to reopen the EEZ off South Carolina to the harvest of brown, pink, and white shrimp effective 12:01 a.m., local time, May 1, 2014.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B). Allowing prior notice and opportunity for public comment on the reopening is unnecessary because the rule establishing the reopening procedures has already been subject to notice and comment, and all that remains is to notify the public of the reopening date. Additionally, allowing for prior notice and opportunity for public comment for this reopening is contrary to the public interest because it requires time, thus delaying the removal of a restriction and thereby reducing socio-economic benefits to the commercial sector. Also, the FMP procedures and implementing regulations require the commercial penaeid shrimp trawling component to reopen no later than May 31, 2014, or earlier based on the state's request, which South Carolina requested to be May 1, 2014.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is authorized by 50 CFR 622.206(a) and is exempt from review under Executive Order 12866.

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

Dated: April 15, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–08885 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 75
Friday, April 18, 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 LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA–2013–0010]

RIN 1218–AC80

Record Requirements in the Mechanical Power Presses Standard

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; withdrawal.

SUMMARY: With this notice, OSHA is withdrawing the proposed rule that accompanied its direct final rule revising the record requirements contained in the Mechanical Power Presses Standard.

DATES: Effective April 18, 2014, OSHA is withdrawing the proposed rule published November 20, 2013 (78 FR 69606).

FOR FURTHER INFORMATION CONTACT: *General information and press inquiries:* Contact Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov*.

Technical information: Contact Todd Owen, Directorate of Standards and Guidance, Room N–3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1941; fax: (202) 693–1663; email: *owen.todd@dol.gov*.

SUPPLEMENTARY INFORMATION: *Copies of this **Federal Register** notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov*. This **Federal Register** notice, as well as news releases and other relevant information, also is available at OSHA's Web page at *http://www.osha.gov*.

Withdrawal of the proposal: On November 20, 2013, OSHA published a companion proposed rule (NPRM) along with the direct final rule (DFR) (see 78 FR 69543) revising the record requirements contained in the Mechanical Power Presses Standard. In the DFR, OSHA stated that it would withdraw the companion NPRM and confirm the effective date of the final rule if it received no significant adverse comments to the DFR by the close of the comment period, December 20, 2013. OSHA received two comments on the DFR by that date, neither of which were significant adverse comments (see ID: OSHA–2013–0010–0003 and OSHA–2013–0010–0004 in the docket for this rulemaking). Accordingly, OSHA is withdrawing the proposed rule. In addition, OSHA is publishing a separate **Federal Register** notice confirming the effective date of the final rule.

List of Subjects in 29 CFR Part 1910

Mechanical power presses, Occupational safety and health, Safety.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this document. OSHA is issuing this document pursuant to 29 U.S.C. 653, 655, and 657, 5 U.S.C. 553, Secretary of Labor's Order 1–2012 (77 FR 3912), and 29 CFR part 1911.

Signed at Washington, DC, on April 14, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–08863 Filed 4–17–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 1, 2, and 7

[NPS–WASO–REGS–12881; PXXVPAD0517.00.1]

RIN 1024–AE06

Areas of the National Park System; General Provisions, Resource Protection, Public Use and Recreation, Pets and Service Animals; Special Regulations of the National Park System, Olympic National Park, Isle Royale National Park

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service is proposing to define and differentiate service animals, from pets, domestic animals, feral animals, livestock, and pack animals, and describe the circumstances under which service animals would be allowed in a park area. Special regulations for Olympic National Park and Isle Royale National Park would be amended to conform with the proposed service-wide rule.

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

ADDRESSES: You may submit your comments, identified by Regulation Identifier Number (RIN) 1024–AE06, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail to:* A.J. North, Regulations Program, National Park Service, 1849 C Street NW., MS–2355, Washington, DC 20240.

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

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: A.J. North, National Park Service Regulations Program, by telephone:

202–513–7742 or email: *service_animals@nps.gov*.

SUPPLEMENTARY INFORMATION:

Background

General Authority and Jurisdiction

In the National Park Service Organic Act of 1916 (Organic Act) (16 U.S.C. 1 *et seq.*), Congress granted the National Park Service (NPS) broad authority to regulate the use of areas under its jurisdiction, but the associated impacts must leave the ''scenery and the natural and historic objects and the wild life [in these areas] unimpaired for the enjoyment of future generations.'' Section 3 of the Organic Act authorizes the Secretary of the Interior, acting through the NPS, to ''make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks.''

The NPS protects park resources and visitors by regulating pets and other domestic animals within park areas. The regulations governing pets (36 CFR 2.15) were last amended in 1983. Since 1983, federal statutes governing accessibility for persons with disabilities, as well as the use of service animals, have changed significantly. In response to these changes, the NPS is proposing to amend its regulations to ensure that we provide the broadest possible accessibility to individuals with disabilities.

The proposed rule would define and differentiate service animals from pets, domestic animals, feral animals, livestock, and pack animals and describe the circumstances under which service animals would be allowed in a park area. The rule also ensures NPS compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and better aligns NPS regulations with the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12111–12117) and the Department of Justice (DOJ) service animal regulations (28 CFR part 35 and 36). Section 504 of the Rehabilitation Act states,

> No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or . . . conducted by any Executive Agency . . . (29 U.S.C. 794)

This law requires the NPS to provide persons with disabilities access to park programs, services, and facilities, and the opportunity to receive as close as possible the same benefits as those received by other visitors.

The ADA, which does not apply to the federal government, extends a legal mandate similar to the coverage of Section 504 of the Rehabilitation Act to all state and local governments and to places of public accommodations and commercial facilities. Although the NPS is not governed by the ADA, NPS policy, as expressed in NPS Director's Order #42, is to align its regulations with the ADA and make NPS facilities, programs, and services accessible to and usable by as many people as possible, including those with disabilities. It is also NPS policy to follow, as appropriate, the DOJ regulations that implement title II and III of the ADA.

History of Service Animal Regulation in the Parks

NPS regulations first addressed the predecessor to service animals in 1966, when the existing rule at 36 CFR 2.8(b) prohibiting pets in ''public eating places, food stores and on designated swimming beaches'' was revised to include an exception for ''Seeing Eye dogs'' (31 FR 16650). This exception was expanded in 1983 to encompass ''guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons'' (48 FR 30252). Because these dogs provide direct services for persons with disabilities, they are not considered pets under NPS regulations. Accordingly, guide dogs and hearing ear dogs have been allowed to enter park areas where pets are prohibited.

In 1991, after the passage of the ADA, the DOJ expanded the definition of service animals to include ''any guide dog, signal dog, or other animal trained to do work or perform tasks for the benefit of an individual with a disability'' (56 FR 35544). After the DOJ broadened the definition of service animal, a number of parks began receiving requests from the public to bring a variety of service animals into the parks, including, but not limited to: dogs, cats, horses, primates, goats, birds, rodents, and reptiles. Over the years, this has resulted in some confusion within the NPS, because the regulations at 36 CFR 2.15(a)(1) recognize only guide dogs and hearing ear dogs as exceptions to the prohibitions on pets in certain public areas. These requests have also caused park personnel to voice concerns regarding threats to wildlife if other species of animals were allowed into areas where pets are prohibited.

NPS Interim Guidance on Service Animals

On September 5, 2002, the NPS Director issued a Memorandum providing interim guidance on the use of service animals in units of the National Park System while the NPS began the process of amending its regulations to adopt the broader range of service animal as specified in the 1991 DOJ regulations (28 CFR 36.104). According to the Memorandum, service animals were not to be considered pets, and in general, when accompanying a person with a disability (as defined by Federal law and DOJ regulations), service animals were to be allowed wherever visitors were allowed. Due to the concern for visitor safety and wildlife protection, park superintendents retained authority to close an area to the use of service animals if it was determined that the service animal posed a threat to the health or safety of people or wildlife. The NPS immediately implemented the interim guidance. However, park superintendents continue to express concerns regarding the appropriateness of allowing certain types of animals declared to be service animals in parks.

DOJ Revised ADA Regulations

On September 15, 2010, the DOJ published revised regulations implementing title II and III of the ADA, including a new definition of service animal that limits service animals to dogs. Under the revised DOJ regulations, a service animal is defined as ''any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.'' (28 CFR 35.104 and 36.104). The revised definition states that other species of animals are not service animals.

The DOJ revised regulations also state that ''[t]he work or tasks performed by a service animal must be directly related to the individual's disability.'' (28 CFR 35.104 and 36.104). Examples of the appropriate work of service animals include, but are not limited to, assisting individuals who are blind with navigation, alerting individuals who are deaf to the presence of sounds, pulling a wheelchair, alerting individuals to the presence of allergens or the onset of a seizure, retrieving items, and providing physical support and assistance to individuals with mobility disabilities. The DOJ regulations state that, ''[t]he crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.''

According to the DOJ regulations, a public entity may require an individual with a disability to remove a service

animal from the premises if: (a) The animal is out of control and the animal's handler does not take effective action to control it; or (b) the animal is not housebroken (28 CFR 35.136(b)). If a service animal is excluded for these reasons, the public entity must give the individual with the disability the opportunity to participate in the service, program, or activity without having the service animal on the premises (28 CFR 35.136(c)).

The DOJ revised regulations also include a provision that requires covered entities to make reasonable modifications to policies, practices, or procedures to permit the use of a miniature horse by a person with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. Although the miniature horse is not included in the DOJ's definition of service animal (which is limited to dogs), miniature horses can be trained in ways similar to dogs to provide a wide array of services to their handlers, such as guiding individuals who are blind or have low vision, pulling wheelchairs, providing stability and balance for individuals with disabilities that impair the ability to walk, and supplying leverage that enables a person with a mobility disability to get up after a fall. Miniature horses may also serve as viable alternatives to dogs for individuals with allergies, or for those whose religious beliefs preclude the use of dogs. Miniature horses commonly are sized similar to a large dog at heights of 24 to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds. However, because miniature horses can vary in size and be larger and less flexible than dogs, the revised DOJ regulations allow entities to exclude miniature horses if the presence of the animal results in a fundamental alteration to the nature of the programs, activities, or services provided.

Proposed Rule

Although the NPS is not a regulated entity under the ADA, the NPS intends to allow qualified individuals with disabilities to bring working service animals and miniature horses to the parks in the manner as provided for in the DOJ title II and III regulations governing service animals. Consistent with DOJ regulations, the proposed rule would define a service animal as a dog that is individually trained to do work or perform tasks for persons with disabilities. Other species of animals, whether wild or domestic, trained or untrained, would not be considered service animals. The work or tasks a service animal is trained to perform must be directly related to the person's disability. A dog utilized solely for comfort or emotional support would not be considered a service animal and would be subject to the regulations governing pets.

Revision of NPS Regulations at 36 CFR 1.4

Section 1.4 would be amended to add the terms *disability* and *service animal* and to modify the term *pet.* These definitions would distinguish pets used primarily for companionship from service animals trained to assist a person with a disability.

The term *domestic animal* would be added and defined to mean an animal tamed to live in the human environment. The term *feral animal* would be added and defined to mean a domestic animal that is existing in a wild or untamed state. The definition of *pack animal* would be revised and would no longer be limited to ''horses, burros, mules, or other hoofed animals.'' The existing language may unnecessarily exclude consideration of certain types of pack animals that do not have proper hooves, including alpacas, llamas, and camels. Instead, the term *pack animal* would mean a domestic animal designated as a pack animal by the superintendent. This gives the superintendent the authority to adjust rules about the use of particular pack animals after considering the impact from this use on the park environment. The definition of the term *livestock* would be added to distinguish farm animals utilized for agricultural use from pets, service animals, and pack animals.

Amending § 1.4 to differentiate pets, service animals, pack animals, and livestock from each other would clarify the regulations governing domestic animals in the National Park System. For example, if a visitor wishes to bring a goat into a park, the park would first look to the purpose or function of the goat. If the goat would be used to transport equipment on designated routes, and the superintendent has designated goats as pack animals, the goat would be considered a pack animal subject to 36 CFR 2.16. If the goat was being used primarily for the production of milk, it would be livestock subject to 36 CFR 2.60. If the goat was tamed to live in the human environment as a domesticated animal and not being used as a pack animal or livestock, the goat would be considered a pet subject to 36 CFR 2.15. Because the goat is not a dog trained to do work for the benefit of a person with a disability, the goat could not be a service animal and thus would not be allowed in areas of the park where pets, livestock, or pack animals are prohibited.

Revision of NPS Regulations at 36 CFR 2.15

Service animals would be allowed in all NPS areas accessible to the public or employees except in those circumstances where the superintendent determines the presence of a service animal in a specific area would pose a threat to the health or safety of people or wildlife. In this case, the superintendent may impose additional conditions or restrictions or close the area to service animals. If the need for conditions or closures arises, the superintendent must prepare a written determination based on objective evidence of the threat that explains why a less restrictive measure will not suffice. If an area is closed to service animals, then that area must also be closed to pets.

After consultation with the U.S. Public Health Service's Wildlife Health Branch on the serious potential for disease transmission between service animals and wildlife, the NPS has determined that a superintendent may use this authority to require individuals wishing to bring a service animal into an area where the service animal is likely to pose a threat to the health of wildlife to demonstrate proof of the service animal's current vaccinations for diseases such as, but not limited to, rabies, distemper, parvovirus, and adenovirus, and proof of current treatment for intestinal parasites and heart worms. A superintendent may also require similar proof for miniature horses, such as, but not limited to, demonstration of a rabies vaccine and negative Coggins test for equine infectious anemia. An individual could demonstrate proof by showing a copy of a veterinarian bill for the required vaccines and treatments, a state-issued rabies tag, and/or a state health certificate, provided that the state vaccination requirements for the state health certificate mirror those established by the superintendent.

To protect park resources and the safety of visitors, the proposed rule would subject the use of service animals to certain standard rules that also govern pets. Service animals may not be left unattended, may not make unreasonable noise or exhibit aggressive behavior, and handlers must comply with excrement disposal conditions established by the superintendent. Service animals must be under control at all times while in the park. Acceptable means of restraint would include a harness, leash, or tether.

However, the NPS acknowledges that in some instances, a disability may limit a person's ability to exert physical control of a service animal. Further, some devices may interfere with the service animal's safe, effective performance of its work or tasks. In these cases, voice commands, signals, or other effective means would be required to control the service animal while it is performing its work or tasks.

Law Enforcement and Emergency Service Dogs

The proposed rule would retain the current exception authorizing dog use by law enforcement officers and also allows a park superintendent to authorize dog use for search or recovery operations.

Service Animals in Training

Service animals in training are not yet trained, and thus do not meet the legal definition of service animal. To protect park resources and the safety of park visitors, the rule would restrict the use of service animals in training to areas that are also open to pets.

Miniature Horses

Miniature horses are not included in the DOJ definition of service animal, but they were included in the authorizing section of the DOJ regulations for service animals. The DOJ regulations require that an entity shall make ''reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.'' (28 CFR 35.136(i)(1) and 36.302(c)(9)(i)). Under this proposed rule, the superintendent may permit the use of a miniature horse by an individual with a disability in accordance with the assessment factors outlined in the DOJ regulations at 28 CFR 35.136(i)(2) and 36.302(c)(9)(ii). The use of miniature horses would be subject to the same requirements that govern the use of service animals.

Proposed Revisions to 36 CFR 7.28 and 7.38

Two units of the National Park System, Olympic National Park and Isle Royale National Park have park-specific special regulations that use the term ''guide dog.'' Olympic National Park is proposing to drop its current regulation on dogs and cats in favor of regulating where visitors may take these animals and service animals under the proposed service-wide rule.

Isle Royale National Park is an isolated island whose wilderness ecology is defined through predator-prey systems. There, concerns that nonnative mammals (and in particular those which might be brought as pets) could alter those systems by transmitting disease to the wild canids of the park (the Eastern Timber Wolf and the Red Fox), led to a regulatory prohibition. (42 FR 21777). That prohibition excepted ''guide dogs accompanying the blind.'' Isle Royale is proposing to retain the general prohibition on mammals and to replace the guide dog exception with the proposed service-wide definition and § 2.15(b) provision for service animals.

Compliance With Other Laws, Executive Orders, and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 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. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (RFA)

This rule will not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*)

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. This rule:

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

Unfunded Mandates Reform Act (UMRA)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of NPS administered lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

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

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

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

Consultation With Indian Tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the

Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required.

Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements. The Paperwork Reduction Act's implementing regulations define ''information'' as ''statement or estimate of fact or opinion, regardless of form or format, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic or other media.'' 5 CFR 1320.3(h). However, ''information'' does not include ''facts or opinions obtained through *direct observation* by an employee or agent of the sponsoring agency or through nonstandardized oral communication in connection with such direct observations.'' 5 CFR 1320.3(h)(3) (italics added). In the proposed rule, an authorized person may need to determine a number of facts, such as the tasks that a service animal is able to perform (2.15(b)(1)(i), 2.15(b)(3)(iii)); the type, size, and weight of the animal (2.15(d)(i)(A)); and whether the animal is housebroken. These facts will be determined by the authorized person via direct observation of the animal. Because these facts are obtained through direct observation, they are not considered information for the purposes of the PRA, and a submission to the Office of Management and Budget under the PRA is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA of 1969 is not required because the rule is covered by a categorical exclusion. This rule is excluded from the requirement to prepare a detailed statement because it is a regulation of administrative, legal, and technical nature (43 CFR 46.210(i)). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

Effects on the Energy Supply (Executive Order 13211)

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

Clarity of This Rule

We are required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)) 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 possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Drafting Information: The primary author of this rule is C. Rose Wilkinson, National Park Service, Regulations and Special Park Uses, Washington, DC.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section. All comments must be received by midnight of the close of the comment period. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted.

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.

List of Subjects

36 CFR Part 1

National parks, Penalties, Reporting and recordkeeping requirements, Signs and symbols.

36 CFR Part 2

Environmental protection, National parks, Reporting and recordkeeping requirements.

36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR Parts 1, 2, and 7 as set forth below:

PART 1—GENERAL PROVISIONS

■ 1. Revise the authority citation for Part 1 to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460 1–6a(e), 462(k); DC Code 10–137 (2001), 50–2201 (2001).

■ 2. In § 1.4 amend paragraph (a) by:

■ A. Adding the terms ''Disability'', ''Domestic animal'', ''Feral animal'', ''Livestock'', and ''Service animal''

■ B. Revising the terms ''Pack animal'' and ''Pet''

The additions and revisions to read as follows:

§ 1.4 What terms do I need to know?

(a) * * *

Disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

* * * * *

Domestic animal means an animal that has been tamed to live in the human environment.

* * * * *

Feral animal means a domestic animal that is existing in a wild or untamed state.

* * * * *

Livestock means any domestic animal raised for the production of food or other agricultural-based consumer products.

* * * * *

Pack animal means any domestic animal designated as a pack animal by the superintendent and used to transport people or equipment on designated routes.

* * * * *

Pet means any domestic animal that is not a service animal, pack animal, or livestock.

* * * * *

Service animal means any dog that has been individually trained to do

work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

* * * * *

PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

■ 3. The authority citation for Part 2 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9(a), 462(k).

■ 4. Revise § 2.15 to read as follows:

§ 2.15 Pets and service animals.

(a) *Pets.* (1) Pets are not allowed in public buildings, public transportation vehicles, any location designated as a swimming beach, or any area the superintendent has closed to the possession of pets.

(2) Pets must be crated, caged, restrained with a leash no longer than six feet in length, or otherwise physically confined at all times.

(3) The following are prohibited: (i) Leaving an unattended pet tied to an object, except in designated areas or under conditions which may be established by the superintendent;

(ii) Allowing a pet to exhibit aggressive behavior or make noise such as barking or howling that is unreasonable considering location, time of day or night, impact on park users and other relevant factors, or that frightens wildlife; or

(iii) Failing to comply with pet excrement disposal conditions which may be established by the superintendent.

(4) Pets may be kept by residents of park areas consistent with the provisions of this section and in accordance with conditions which may be established by the superintendent.

(5) In park areas where hunting is allowed, dogs may be used in support of these activities in accordance with applicable Federal and State laws and in accordance with conditions which may be established by the superintendent.

(6) This paragraph does not apply to the use of dogs by authorized Federal, State, and local law enforcement officers, or emergency personnel authorized by the superintendent.

(b) *Service animals.* (1) A service animal may accompany an individual with a disability in a park area where members of the public are allowed or may accompany an employee with a disability in a park area where employees are allowed.

(i) The work or tasks the service animal is trained to perform must be directly related to the individual's disability. In making this determination, an authorized person may observe the animal and ask if the animal is required because of a disability and what work or task the animal has been trained to perform. Authorized persons must not ask about the nature or extent of a person's disability, nor may they require documentation of the disability or proof that the animal has been certified, trained, or licensed as a service animal.

(ii) The crime-deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this provision.

(2) A service animal must be controlled at all times with a harness, leash, or other tether, unless the restraint device would interfere with the service animal's safe, effective performance of work or tasks or the individual's disability prevents using these devices. In those cases, the disabled individual must be able to recall the service animal to his or her side promptly using voice, signals, or other effective means of control. This must be demonstrated when requested by an authorized person.

(3) An individual may be asked to remove a service animal from an area closed to pets if:

(i) The animal is out of control and the animal's handler does not take effective action to control it;

(ii) The animal is not housebroken; or

(iii) It is not readily apparent and the individual with a disability is unwilling or unable to articulate or demonstrate the work or task the animal has been trained to perform, consistent with paragraph (b)(1)(i) of this section.

(4) The prohibitions in paragraph (a)(3) of this section also apply to the use of a service animal.

(5) Upon determining that the use of service animals in a specific area poses a threat to the health or safety of people or wildlife, the superintendent may require proof of current vaccinations, impose additional conditions or restrictions, or close the area to service animals. Any area closed to service animals must be closed to pets. In determining whether the use of service animals poses a threat under this paragraph, the superintendent must:

(i) Make a written determination based on objective evidence evaluating the nature, probability, duration, and severity of the threat; and

(ii) Explain in the written determination why less restrictive measures will not suffice.

(c) *Service animals in training.* Service animals in training are regulated as pets under the conditions in paragraph (a) of this section.

(d) *Miniature horses.* (1) The superintendent may allow the use of a miniature horse by an individual with a disability if the miniature horse has been trained to do work or perform tasks for the benefit of the individual with a disability and after observing and assessing the following factors:

(i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;

(ii) Whether the handler has sufficient control of the miniature horse;

(iii) Whether the miniature horse is housebroken; and

(iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

(2) If authorized by the superintendent, miniature horses are regulated in the same manner as service animals under the conditions in paragraph (b)(1) through (4) of this section.

(e) *Animals running at large.* (1) Domestic or feral animals running at large may be impounded, and the owner of a domestic animal may be charged reasonable fees for kennel or boarding costs, feed, veterinarian fees, transportation costs, and disposal. An impounded animal may be put up for adoption or otherwise disposed of after being held for 72 hours from the time the owner was notified of capture or 72 hours from the time of capture if the owner is unknown.

(2) Domestic or feral animals running at large and observed by an authorized person in the act of killing, injuring, or molesting humans or domestic animals or taking wildlife may be destroyed if necessary for public safety or protection of wildlife, domestic animals, including livestock, or other park resources.

(3) This paragraph (e) does not apply to livestock, which are governed by § 2.60 of this chapter.

(f) Violating a closure, condition, or restriction established by the superintendent under this section is prohibited.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

■ 5. The authority for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under 36 U.S.C. 501–511, DC Code 10–137 (2001) and DC Code 50–2201.07 (2001).

■ 6. In § 7.28, remove and reserve paragraph (c) to read as follows:

§ 7.28 Olympic National Park.

* * * * *

(c) [Reserved]

* * * * *

■ 7. In § 7.38 revise paragraph (c) to read as follows:

§ 7.38 Isle Royale National Park.

* * * * *

(c) *Mammals.* Dogs, cats, and other mammals may not be brought into or possessed in the park area, except for service animals under § 2.15(b) of this chapter.

Dated: March 14, 2014.

Michael Bean,

Acting Principal Deputy Assistant Secretary, for Fish and Wildlife and Parks.

[FR Doc. 2014–08563 Filed 4–17–14; 8:45 am]

BILLING CODE 4312–EJ–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0191; FRL–9909–61–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision for GP Big Island, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia for the purpose of establishing a revision to the state operating permit for the control of visibility-impairing emissions from GP Big Island, LLC on a shutdown of an individual unit.

DATES: Comments must be received in writing by May 19, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0191 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0191, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2013–0191. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by email at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a 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 further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: April 4, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–08656 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 090313314–4317–01]

RIN 0648–AX78

Fisheries of the Exclusive Economic Zone Off Alaska; Modifications to Federal Fisheries Permits and Federal Processor Permits

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to change criteria for submission, approval,

surrender, revision, and receipt of a Federal Fisheries Permit (FFP) or Federal Processor Permit (FPP) application form; allow the use of a valid legible copy in place of an original FFP or FPP; remove unnecessary FFP and FPP application form descriptions and contact information from regulation; clarify when an FFP or FPP is required; and make minor modifications to FPP regulations. This action is necessary to reduce industry costs of complying with fishing and processing permit regulations and NMFS' administrative costs of maintaining and updating permit application regulations and forms. This action would provide efficiency, flexibility, and clarity concerning FFP and FPP requirements. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the FMP, and other applicable laws.

DATES: Comments must be received no later than May 19, 2014.

ADDRESSES: You may submit comments, identified by FDMS Docket Number NOAA–NMFS–2009–0075, by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2009-0075,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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 *http://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 Categorical Exclusion and the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) prepared for this action may be obtained from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.* The final 2010 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2010, is available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99501, phone (907) 271–2809, or from the Council's Web site at *http://alaskafisheries.noaa.gov/npfmc.* The draft 2011 SAFE report for the GOA is available from the same source.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted to NMFS Alaska Region at the above address and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS Alaska Region manages the U.S. groundfish fisheries in the Exclusive Economic Zone (EEZ) off Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska, respectively. The fishery management plans were prepared by the North Pacific Fishery Management Council, under authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act) and other applicable laws, and approved by the Secretary of Commerce. Regulations implementing the fishery management plans appear at 50 CFR part 679. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

Regulations at § 679.4 describe particular groundfish and halibut fishing permits that are necessary to participate in federally-managed North Pacific fisheries and available from NMFS Alaska Region (NMFS); regulations at § 679.7 describe regulatory prohibitions that are applicable in federally-managed North Pacific fisheries.

The Federal Fisheries Permit (FFP) is issued by NMFS Alaska Region and is required for vessels that are used to fish for groundfish in the GOA or BSAI or engage in any fishery that requires retention of groundfish, such as the commercial IFQ halibut fishery. These vessels include catcher vessels, catcher/processors, motherships, tender vessels (buying stations), and support vessels assisting other vessels in those fisheries.

The Federal Processor Permit (FPP) is issued by NMFS Alaska Region and is required for shoreside processors, stationary floating processors (SFPs) (processing vessels that operate solely within Alaska State waters), and for Community Quota Entity (CQE) floating processors that receive or process unprocessed groundfish harvested in the GOA or BSAI.

This proposed action will reduce costs associated with NMFS' issuance of FFPs and FPPs. This action proposes to relieve FFP and FPP holders from requirements that they hold original permit copies. The proposed revisions to NMFS regulations would benefit fisheries participants by reducing the time, expense, and administrative effort associated with submitting permit requests to NMFS. Similarly, the revisions would benefit NMFS by reducing preparation and postage costs associated with returning an FFP or FPP to the permit applicant and by removing unnecessary regulatory text. In addition, the proposed regulatory revisions would allow NMFS to easily update the permit application form, eliminating costly delays associated with rulemaking.

There are six elements of this proposed action: (1) Eliminate the requirement to submit an original permit when surrendering the permit to NMFS or applying for a permit revision and add a proof of permit application submission standard; (2) allow the use of a valid legible copy in place of an original FFP or FPP; (3) remove unnecessary FFP and FPP application form requirements from regulation to eliminate redundant reporting requirements; (4) clarify the circumstances when an FFP or FPP must be held by fishery participants; (5) make minor clarifications to FPP regulations; and (6) make other corrections and revisions to regulatory text. These actions will reduce costs associated with the FFP or FPP application processes.

Action 1: Eliminate the Requirements To Submit an Original Permit and Add a Proof of Application Submission Standard

Section 679.4(a)(9) governs surrender of permits issued by NMFS Alaska Region. This action would divide paragraph (a)(9) into two subparagraphs and would add two new subparagraphs. New paragraph (b)(3)(i)(D) would state that the application form can be used to request surrender of permits. Newly redesignated paragraph (a)(9)(ii) would be revised to eliminate the unnecessary

requirement for the FFP holder or FPP holder to submit the original permit when surrendering a permit to NMFS. Instead of mailing back the original permit, a permit holder would notify NMFS of intent to surrender an FFP or FPP by submitting a completed FFP or FPP application form (see *http://www.alaskafisheries.noaa.gov).*

Under the proposed rule, when a surrender application form is submitted NMFS would withdraw the FFP or FPP from active status in the permit database. The surrendered FFP or FPP would be ''inactive,'' which means that it is not valid until it is re-issued with an ''active'' status. The inactive permit could be re-issued as active upon request. If the vessel or processing plant was sold after the permit was surrendered, then the permit would be re-issued to the current owner.

In many instances, regulations impose filing deadlines when a permit application form must be received by NMFS. In some circumstances, persons have unsuccessfully filed application forms with Restricted Access Management (RAM), the Region's permit division, due to missing a deadline. To ensure that application forms or documents reach RAM and are processed within filing deadlines, NMFS proposes a ''proof of receipt'' standard that must be met by applicants. Thus, redesignated paragraphs (a)(9)(iii) and (iv) would add a standard that requires applicants to have ''objective written evidence'' they would use to prove that an application form was received by NMFS. ''Objective written evidence'' would include, for example, the applicant's use of United States Post Office Priority mail delivery confirmation, or ''green card'' return receipt requested.

Action 2: Allowing the Use of a Legible Copy in Place of an Original FFP or FPP

Currently, NMFS mails an original paper FFP or FPP to successful applicants, who must have the original permit in possession either on board the vessel or on site at the processing facility when activities authorized by the permit, such as groundfish harvests and landings, are taking place. In some circumstances, the requirement to possess the original permit on board the vessel or at the processing plant can impose costs on permit holders. For example, if a vessel applies for an amended FFP designating a change or addition of a vessel operations category or any other endorsement, a new, revised original of the FFP must be on board the vessel before the new type of operation can begin. The vessel would encounter a delay from fishing or processing while the original permit is mailed to NMFS and another delay while the new, original permit is mailed to the vessel.

To address problems associated with the requirement to possess the original permit at all times when permitted activities are taking place, this action would (1) allow the permit holder to possess a legible copy of a valid permit in lieu of the original when and where permitted activities are taking place; (2) remove the requirement that a permit holder must submit the original permit to NMFS when surrendering the permit; and (3) remove the requirement that a permit holder must submit the original permit to NMFS when applying for a permit revision.

This rulemaking would revise § 679.4(b) and (f) and § 679.7 to allow a legible copy of a valid FFP or FPP to be maintained on board the vessel or on site at the facility, instead of the original permit. NMFS has determined that a legible copy is sufficient evidence that the vessel has the FFP or the plant has the FPP. This regulatory change would greatly simplify operations for permit holders and allow operations to commence or continue in short-term fisheries when FFPs or FPPs are revised. By changing this regulation, a permit holder may submit a permit revision application by fax and receive a revised permit by fax that can serve as a valid legible copy of the original permit. If a permit holder were required to wait to receive the original permit via mail, there may be costly delays before operations may resume.

These proposed changes will not hamper enforcement. NMFS is able to determine if a particular person holds the necessary permit without the presence of an original permit. Specifically, NMFS staff process and complete issuance of FFPs and FPPs daily, and the original permit is mailed to the permit holder unless another method is requested. The current NMFS Web site listing of permits is updated daily to include the newly issued, revised, and surrendered permit information. This information is available for enforcement and compliance monitoring purposes to the United States Coast Guard boarding officers, NOAA Office of Law Enforcement personnel, and State of Alaska Enforcement personnel. Currently, enforcement officials use this listing to verify that a permit is current.

Action 3: Remove Unnecessary FFP and FPP Application Requirements From Regulation

This action would remove text from § 679.4(b) and § 679.4(f) that describes each data field in an FFP or FPP application form, specific instructions for completion of the application form, and specific address and contact information. NMFS has determined that it is unnecessary to specify this information in regulatory text because each FFP or FPP application form adequately specifies that information. For example, each application form contains complete instructions for submission, whether requesting an initial permit, amending a permit, or surrendering a permit.

Although NMFS proposes to remove a substantial amount of unnecessary regulatory text, this rulemaking would add text to require that each FFP or FPP application form be completed with all information specified on the form, that all necessary documentation be attached, and that the application form be signed. This measure would enhance compliance with application form instructions and completion. The FFP and FPP applications are available on the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov/ram.*

Detailed application information, along with the FFP and FPP application forms that are required in regulations, are included in Paperwork Reduction Act (PRA) collections-of-information that are available to the general public on the NOAA PRA Web site (*http://www.cio.noaa.gov/Policy_Programs/pra.html*). The PRA collections-of-information for the FFP and FPP application forms are described in OMB Control No. 0648–0206. The proposed action would allow NMFS to make minor revisions by changing the application form itself and describing the changes in the PRA analysis. Currently, to make even a minor change to the application form can, in some instances, require a change in the regulations. In those instances, NMFS must go through the process of proposed and final rulemaking, which can take several months or even years depending on rulemaking priorities. In addition, removal text describing that an applicant must provide name, address, and other contact information on the form, from the regulations may possibly reduce inconsistencies that may occur if submission or contact information on the application differs from that specified in the regulatory text.

Moreover, removal of specific permit application information requirements from the regulatory text would simplify and reduce the number of pages in the Code of Federal Regulations, the official government regulations publication. Fewer pages would reduce future costs of publication of regulations.

Action 4: Clarify the Circumstances Where an FFP Must Be Obtained and Held

Pursuant to § 679.4(b), the FFP is issued by NMFS and is required for vessels used to fish for groundfish in the GOA or BSAI, or that are required to retain any groundfish. These vessels include catcher vessels, catcher/processors, motherships, tender vessels (buying stations), and support vessels assisting other vessels in those fisheries.

Section 679.4(b) would be amended to further clarify the circumstances under which a vessel owner or authorized representative must obtain an FFP. Paragraphs (b)(1) and (b)(2) would be combined and revised. The term ''to fish'' would be replaced with ''to retain.'' The term ''that fishes'' would be replaced with ''engage in any fishery . . . that requires retention.'' The non-groundfish fisheries previously listed individually would be removed because the term ''non-groundfish fisheries'' incorporates all species that are not defined as groundfish. Next, regulatory text would be revised to state that retention of any groundfish by a vessel in the GOA or BSAI requires a legible copy of a valid FFP (instead of an original FFP) on board at all times.

The proposed regulatory changes simplify and clarify the circumstances when a vessel must carry an FFP. These amendments would require reorganization of subparagraph (b). Paragraphs (b)(1) and (b)(2) would be combined as (b)(1) to describe circumstances where a person must obtain and hold an FFP. Paragraphs (b)(3) and (b)(4) would be redesignated as paragraphs (b)(2) and (b)(3), respectively. NMFS would redesignate paragraph (b)(7), which states that a change or addition of a vessel operations category or any other endorsement on an FFP requires that an amended FFP must be on board the vessel before the new type of operation begins, as (b)(3)(iii)(D). Paragraph (b)(5)(vi)(B), which states that selections for species endorsements will remain valid until an FFP is amended, surrendered, or revoked, would be redesignated as (b)(3)(iii)(E). A new paragraph (b)(4) would be added to describe submission of the FFP application but would not specify the form's contents for the reasons explained above. Paragraph (b)(5), which sets-out the contents of the FFP application, would be removed. Paragraph (b)(6), which describes issuance of an FFP, would be redesignated as new (b)(5) and revised. Paragraph (b)(8), which states that an FFP is not transferable or assignable, would be redesignated as (b)(6). Paragraphs (b)(9)(i) and (b)(9)(ii) would be combined (with heading, Inspection), redesignated as (b)(7), and amended to state that a legible copy of a valid FFP (instead of an original FFP) must be on board the vessel and that this copy must be presented for inspection upon request.

Action 5: Minor Clarifications to FPP Regulations

The FPP is issued by NMFS and is required for shoreside processors, SFPs (processing vessels that operate solely within Alaska State waters), and for CQE floating processors, each of whom receives and processes groundfish harvested in the GOA or BSAI. NMFS is proposing changes that would provide regulatory clarity to ensure that all processing is adequately monitored.

Section 679.4(f) describes the FPP requirements and NMFS proposes several changes to these requirements. First, NMFS would revise paragraph (f)(1) to add particular processor activities that must be conducted with an FPP that are missing from existing text. An owner of a shoreside processor, SFP, or CQE floating processor must hold an FPP in order to purchase or arrange to purchase groundfish in addition to the requirement to hold it when receiving or processing groundfish. In many cases, persons neither receive nor process groundfish, but they do purchase groundfish or make purchase arrangements for others. Thus, NMFS proposes that paragraph (f)(1) be revised by replacing ''receive or process groundfish'' with ''receive, process, purchase, or arrange to purchase unprocessed groundfish.''

Paragraph 679.4(f)(1) would be revised:

- By adding text stating that a processor may not be operated in a category other than as specified on the FPP. The processor categories are: Shoreside Processor, SFP, and CQE Floating Processor.
- By replacing ''stationary floating processor'' with ''SFP'' and by replacing an incorrect cross-reference to paragraph (f)(2) with § 679.2.

Paragraph (f)(1) states that the FPP is issued without charge and paragraph (f)(2)(i) states that the FPP is not considered complete until all fees are paid. The fees in question are observer fees; if the required observer fees are not paid, the FPP will not be issued.

Paragraph (f)(2) would be revised:

- By replacing ''amend or renew an FFP'' with ''amend, renew, or surrender an FPP.'' This amendment would capture all of the functions that may be accomplished by submitting an FPP application.
- By adding a heading ''Fees'' to newly redesignated (f)(2)(i) and then adding language to (f)(2)(i) identifying who is subject to the observer fee as specified at § 679.55(c).

Paragraph (f)(3) would be removed because it is unnecessary text. This paragraph states that a complete application will result in issuance of an FPP.

Paragraph (f)(4) would be redesignated as (f)(3). Newly redesignated paragraph (f)(3)(ii)(A) would be revised by removing the third sentence, which is the NMFS/RAM contact information. New paragraph (f)(3)(ii)(B) would be added to state that an owner or authorized representative must submit an FPP application when surrendering an FPP.

Newly redesignated paragraph (f)(3)(iii) would be redesignated as paragraph (f)(3)(iii)(A). Requirements from the FPP application would be codified and added as new paragraphs. Paragraph (f)(3)(iii)(B) would be added to describe the requirements of an SFP holding a GOA inshore processing endorsement on the FPP. Paragraph (f)(3)(iii)(C) would be added to describe the requirements of a vessel holding a CQE floating processor endorsement on the FPP.

Action 6: Other Corrections and Revisions

Other corrections and revisions would be made to standardize, simplify, and clarify regulatory text. Specifically, this rulemaking would:

- Replace the incorrect spelling of ''onboard'' with ''on board'' and would replace the incorrect spelling of ''onsite'' with ''on site.'' This rulemaking would remove ''Federal Fisheries Permit'' and replace it with ''FFP.'' In addition, this rulemaking would remove ''Federal Processor Permit'' and replace it with ''FPP.''
- Highlight three general permit requirements at § 679.4(a) by adding descriptive headings to paragraphs (a)(3)(i) through (iii).
- Revise paragraph (a)(3)(iii) by removing the requirement to retain a copy of each permit application. This requirement was originally intended to protect the applicant when sending the original FFP or FPP to NMFS to obtain an amended permit. A copy of the application could be used to verify that a participant had a permit, if boarded by enforcement officials, when the original was sent to NMFS to amend the permit. Currently, NMFS maintains a permit data base on the NMFS Web site for use by enforcement officials to check on the

validity of any permit. Thus, the copy retention requirement is unnecessary.

• The term ''card'' would be removed from paragraph (a)(5) because NMFS no longer issues permit cards.

• Paragraph (a)(6) would be revised by replacing ''permitted processors'' with ''permitted harvesters and processors'' because NMFS maintains a list of permitted harvesters as well as processors on the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov*. The list of processors is useful for harvesters to identify who can legally accept their fish. As for the harvesters, this list is used as a resource by the USCG and Office of Law Enforcement who do not always have access to the NMFS database to check valid permits, but often have Internet access through smart phones or laptops. Posting the list of valid FFPs (harvesters) makes it easy for these law enforcement personnel to validate that vessel is currently permitted. Additionally, it is possible for processors to ascertain that they are accepting fish caught in Federal waters from a permitted vessel.

• Regulations currently specify that detailed contact information—name, address, telephone and fax numbers—must be provided in several PRA-approved forms. NMFS has determined that because the forms themselves request the information and provide instructions, regulatory text is unnecessary. Thus, NMFS proposes to remove the detailed contact information from the following paragraphs:

Paragraph Identification	Which describes surrender of . . . .
Redesignated § 679.4(b)(4)(ii)(A)	An FFP.
§ 679.4(d)(1)(iii)	An IFQ Permit.
§ 679.4(d)(2)(iv)	An IFQ Hired Master Permit.
§ 679.4(d)(3)(vi)	A Registered Buyer Permit.
§ 679.4(e)(2)	A Halibut CDQ permit.
§ 679.4(e)(3)	A Halibut CDQ Hired Master Permit.
Redesignated § 679.4(f)(3)(ii)(A)	An FPP.
§ 679.4(g)(1)(ii)	A Scallop LLP license.
§ 679.4(k)(6)(x)	A Groundfish or Crab LLP.
§ 679.4(l)(5)(ii)	An AFA Inshore Processor Permit.

• In paragraph (b)(3)(iii)(A), the cross reference ''(b)(4)(iii)(B)'' would be replaced with ''(b)(3)(iii)(B).''

Classification

Pursuant to section 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the BSAI FMP, the GOA FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

A regulatory impact review (RIR) was prepared for this action that assesses all costs and benefits of available regulatory alternatives. The RIR describes the potential size, distribution, and magnitude of the economic impacts that this action may be expected to have. The RIR finds that this action has a positive net social impact since it reduces the administrative burden and cost to groundfish fishing operations of compliance with FFP regulatory requirements. This action does not create additional administrative costs and does not impose new requirements, nor does it modify existing requirements, on fishing operations.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the Background and Need for Action section and in the SUMMARY section of the preamble. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

The SBA has established size criteria for all major industry sectors in the United States, including fish harvesting and fish processing businesses. Effective July 22, 2013, a business involved in finfish or shellfish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates), and if it has combined annual receipts not in excess of $19.0 million for all its affiliated operations worldwide in the case of a finfish business, and $5.0 million in the case of a shellfish business. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation (including its affiliates) and employs 500 or fewer persons, on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of finfish products is a small business if it meets the $19 million criterion for finfish harvesting operations or of $5 million for shellfish harvesting operations. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide.

Because this action directly regulates entities carrying groundfish FFPs, the finfish standard of $19 million was used to estimate the numbers of large and small catcher vessels and catcher/processors. The categories for support and tender vessels, motherships, shoreside floating processors, and shoreside processors, have been evaluated with respect to the 500 person employment processing standard and by affiliations with firms meeting that standard. For all categories, the number of small entities may be larger if there are relevant affiliations (e.g., joint ownership, contractual agreements) between firms of which NMFS is unaware. The numbers of directly regulated small entities and presented in the table below.

Class of entity	Total number of entities	Number of small entities	Notes on methods used to estimate the number of small entities
Catcher vessels	931	814	Groundfish catcher vessels (CVs). The number of small entities has been estimated by counting the number of vessels with annual gross revenues under $19 million, from all fishing sources off of Alaska and the U.S. Pacific West Coast, and by accounting for cooperative, and some corporate, affiliations. Analysis is based on 2012 data. The 814 small catcher vessel entities had median gross revenues of about $293,000.
Catcher/processors	78	10	Groundfish catcher/processors (CPs). In 2012, there were 88 groundfish CPs with FFPs. Only 10 of these were small entities after taking account of vessel gross revenues, cooperative, and some corporate, affiliations. These ten vessels had median gross revenues of about $1.8 million.
Fishing vessels without groundfish revenues.	185	151	185 vessels carried Groundfish FFPs, but did not have groundfish revenue in 2012. Groundfish fishing activity is required to classify these as catcher/processors or catcher vessels. These vessels did, however, have non-groundfish fishing revenues. 151 were small (using the finfish revenue standard, as this action pertains to the direct regulation of groundfish FFPs) after taking account of vessel gross revenues, cooperative, and some corporate, affiliations. These small vessels had median gross revenues from all fishing sources of about $54,000.
Support and Tender Vessels (without fishing revenues).	26	24	In 2012, 171 vessels carried FFPs endorsed for support or tender operations. Of these, 45 did not have fishing revenues. Vessels with fishing revenues have been covered under the categories above. NMFS estimates that these vessels were owned by 26 separate business entities, of which 2 were large on the basis of identifiable affiliation with large processing companies.
Motherships	2	0	AFA pollock motherships (MS). In recent years, there have been three AFA pollock motherships, with ownership apparently divided between two firms. These are considered to be large entities, due to their affiliations with large processing firms.
Shoreside floating processors.	6	4	Groundfish shoreside floating processors (SFPs): In 2012, 13 vessels carried FPPs to operate as SFPs. Based on a staff review of the primary owners, NMFS estimates that these were owned by six firms, four of which were small.
Groundfish shoreside processors.	66	60	Groundfish shoreside processors. In 2012, 99 plants carried FPPs. Based on a staff review of the primary owners, NMFS estimates that these were owned by 66 separate firms, 60 of which were small.

The preferred alternative for this action accomplishes the objectives of the action, and relieves recordkeeping and reporting requirements on small entities; this alternative has no adverse impacts on any directly regulated small entities. This action will provide greater efficiency, flexibility, and clarity to fishing and processing operations concerning FFP and FPP requirements. The FFP is the basic vessel permit for groundfish in the EEZ off Alaska; other vessel permits may be required in addition to the FFP. The FPP is the basic shoreside permit for groundfish receiving fish harvested in the EEZ off Alaska. If NMFS did not issue the FFP and FPP, the entire Alaska permitting system would fail. It would not be possible to carry out the mandates of the Magnuson-Stevens Act and other laws if approval to continue these previously approved collections were to be denied.

The revised processes would address FFP and FPP application submission, approval, surrender, revision, and receipt, as well as use of these permits. The revisions would benefit the fisheries participants by reducing the time, expense, and administrative effort associated with submitting permit requests to NMFS. Instead of an original FFP or FPP, a current, legible copy of an FFP or FPP would be acceptable when fishing and/or processing groundfish. Instead of returning an original FFP or FPP to NMFS to revise or to surrender a permit, an application would notify NMFS of the requested change. Regulations regarding the FFP and FPP would be clarified, including who needs to have an FFP or FPP. The removal of detailed FFP and FPP application requirements and contact information from regulations would reduce the industry costs of complying with permitting regulations and would reduce NMFS' administrative costs of maintaining and updating applications.

No other alternatives were considered/analyzed because there is no alternative that accomplishes the objectives of this proposed rule and places a smaller burden on directly regulated small entities. This proposed action would not impose adverse economic impacts on small entities, as defined by the Regulatory Flexibility Act (RFA).

The analysis revealed no Federal rules that would conflict with, overlap, or be duplicated by the alternatives under consideration.

This regulation does not impose new recordkeeping and reporting requirements on the regulated small entities. The professional skills necessary to prepare the reporting and recordkeeping requirements under this proposed rule include the ability to read, write, and understand English; the ability to use a computer and the Internet; and the authority to take actions on behalf of an entity.

Collection-of-Information Requirements

This rulemaking contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by the Office of Management and Budget (OMB) under OMB control number 0648–0206. Public reporting burden is estimated to average per response: 21 minutes for Application for Federal fisheries permit (FFP) and 21 minutes for Application for Federal processor permit (FPP).

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information.

Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: April 10, 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 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

■ 2. In § 679.4,

■ a. Remove paragraphs (b)(2), (5), and (7); and (f)(3);

■ b. Redesignate paragraphs (b)(3) and (b)(4) as (b)(2) and (b)(3), respectively; (b)(6) as (b)(5); (b)(8) and (b)(9) as (b)(6) and (b)(7), respectively; (f)(4) through (f)(6) as (f)(3) through (f)(5), respectively;

■ c. Revise paragraphs (a)(3)(iii); (a)(6); (a)(9); (b)(1); (d)(1)(iii); (d)(2)(iv); (d)(3)(vi); (e)(2) and(3); (f)(1) and (2); (g)(1)(ii); (k)(6)(x); and (l)(5)(ii);

■ d. Revise newly redesignated paragraphs (b)(2); (b)(3)(ii)(A), (B), and (C); (b)(3)(iii)(A); (b)(5), (6), and (7); (f)(3)(ii) and (iii); and (f)(4) and (5);

■ d. Add paragraph headings for paragraphs (a)(3)(i) and (ii); and

■ e. Add paragraphs (b)(3)(ii)(D); (b)(3)(iii)(D) and (E); and (b)(4).

The revisions and additions read as follows:

§ 679.4 Permits.

(a) * * *

(3) * * *

(i) *Obtain and submit an application.* * * *

(ii) *Deficient application.* * * *

(iii) *Separate permit.* The operator, manager, Registered Buyer, or Registered Crab Receiver must obtain a separate permit for each applicant, facility, or vessel, as appropriate to each Federal permit in this section.

* * * * *

(6) *Disclosure.* NMFS will maintain a list of permitted harvesters and processors that may be disclosed for public inspection.

* * * * *

(9) *Permit surrender.* (i) The Regional Administrator will recognize the voluntary surrender of a permit issued in this section, if a permit may be surrendered and if it is submitted by the person named on the permit, owner of record, or authorized representative.

(ii) Submit the original permit, except for an FFP or an FPP, to NMFS, P.O. Box 21668, Juneau, AK 99802. For surrender of an FFP and FPP, respectively, refer to paragraphs (b)(3)(ii) and (f)(3)(ii) of this section.

(iii) Objective written evidence is considered proof of a timely application. The responsibility remains with the sender to prove when the application form to amend or to surrender a permit was received by NMFS (i.e., by certified mail or other method that provides written evidence that NMFS Alaska Region received it).

(iv) For application forms delivered by hand delivery or carrier only, the receiving date of signature by NMFS staff is the date the application form was received. If the application form is submitted by fax or mail, the receiving date of the application form is the date stamped received by NMFS.

(b) * * *

(1) *Requirements.* (i) No vessel of the United States may be used to retain groundfish in the GOA or BSAI or engage in any fishery in the GOA or BSAI that requires retention of groundfish, unless the owner or authorized representative first obtains an FFP for the vessel, issued under this part. An FFP is issued without charge.

(ii) Each vessel within the GOA or BSAI that retains groundfish must have a legible copy of a valid FFP on board at all times.

(2) *Vessel operations categories.* An FFP authorizes a vessel owner or authorized representative to deploy a vessel to conduct operations in the GOA or BSAI under the following categories: Catcher vessel, catcher/processor, mothership, tender vessel, or support vessel. A vessel may not be operated in a category other than as specified on the FFP, except that a catcher vessel, catcher/processor, mothership, or tender vessel may be operated as a support vessel.

(3) * * *

(ii) * * *

(A) An FFP may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. Except as provided under paragraphs (b)(3)(ii)(B) and (C) of this section, if surrendered, an FFP may be reissued in the same fishing year in which it was surrendered.

(B) For the BSAI, NMFS will not reissue a surrendered FFP to the owner or authorized representative of a vessel named on an FFP that has been issued with the following combination of endorsements: Catcher/processor vessel operation type, pot and/or hook-and-line gear type, and the BSAI area, until after the expiration date of the surrendered FFP.

(C) For the GOA, NMFS will not reissue a surrendered FFP to the owner or authorized representative of a vessel named on an FFP that has been issued a GOA area endorsement and any combination of endorsements for catcher/processor operation type, catcher vessel operation type, trawl gear type, hook-and-line gear type, pot gear type, and/or jig gear type until after the expiration date of the surrendered FFP.

(D) An owner or authorized representative, who applied for and received an FFP, must notify NMFS of the intention to surrender the FFP by submitting an FFP application found at the NMFS Web site at *http://www.alaskafisheries.noaa.gov* and indicating on the application that surrender of the permit is requested. Upon receipt and processing of an FFP surrender application, NMFS will withdraw the FFP from active status in the FFP data bases.

(iii) * * *

(A) An owner or authorized representative who applied for and received an FFP, must notify NMFS of any change in the permit information by submitting an FFP application found at the NMFS Web site at *http://alaskafisheries.noaa.gov*. The owner or authorized representative must submit the application form as instructed on the form. Except as provided under paragraphs (b)(3)(iii)(B) and (C) of this section, upon receipt and approval of an application form for permit amendment, NMFS will issue an amended FFP.

* * * * *

(D) If the application for an amended FFP required under this section designates a change or addition of a vessel operations category or any other endorsement, a legible copy of the valid, amended FFP must be on board the vessel before the new type of operation begins.

(E) Selections for species endorsements will remain valid until an FFP is amended to remove those endorsements or the FFP with these endorsements is surrendered or revoked.

(4) *Submittal of application.* NMFS will process a request for an FFP

provided that the application form contains the information specified on the form, with all required fields accurately completed and all required documentation attached. This application form must be submitted to NMFS using the methods described on the form. The vessel owner must sign and date the application form certifying that all information is true, correct, and complete. If the owner is not an individual, the authorized representative must sign and date the application form. An application form for an FFP will be provided by NMFS or is available from NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov*. The acceptable submittal methods will be described on the application form.

(5) *Issuance.* (i) Except as provided in subpart D of 15 CFR part 904, upon receipt of a properly completed permit application, the Regional Administrator will issue an FFP required by this paragraph (b).

(ii) The Regional Administrator will send an FFP with the appropriate logbooks to the owner or authorized representative, as provided under § 679.5.

(iii) NMFS will reissue an FFP to the owner or authorized representative who holds an FFP issued for a vessel if that vessel is subject to sideboard provisions as described under § 679.82(d) through (f).

(iv) NMFS will reissue an FFP to the owner or authorized representative who holds an FFP issued to an Amendment 80 vessel.

(6) *Transfer.* An FFP issued under this paragraph (b) is not transferable or assignable and is valid only for the vessel for which it is issued.

(7) *Inspection.* A legible copy of a valid FFP issued under this paragraph (b) must be carried on board the vessel at all times operations are conducted under this type of permit and must be presented for inspection upon the request of any authorized officer.

* * * * *

(d) * * *

(1) * * *

(iii) An IFQ permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. An annual IFQ permit will not be reissued in the same fishing year in which it was surrendered, but a new annual IFQ permit may be issued to the quota share holder of record in a subsequent fishing year.

(2) * * *

(iv) An IFQ hired master permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. An IFQ hired master permit may be reissued to the permit holder of record in the same fishing year in which it was surrendered.

(3) * * *

(vi) A Registered Buyer permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A Registered Buyer permit may be reissued to the permit holder of record in the same fishing year in which it was surrendered.

* * * * *

(e) * * *

(2) *Halibut CDQ permit.* The CDQ group must obtain a halibut CDQ permit issued by the Regional Administrator. The vessel operator must have a legible copy of a halibut CDQ permit on any fishing vessel operated by, or for, a CDQ group that will have halibut CDQ on board and must make the permit available for inspection by an authorized officer. A halibut CDQ permit is non-transferable and is issued annually until revoked, suspended, surrendered, or modified. A halibut CDQ permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A halibut CDQ permit will not be reissued in the same fishing year in which it was surrendered, but a new annual halibut CDQ permit may be issued in a subsequent fishing year to the CDQ group entitled to a CDQ halibut allocation.

(3) An individual must have on board the vessel a legible copy of his or her halibut CDQ hired master permit issued by the Regional Administrator while harvesting and landing any CDQ halibut. Each halibut CDQ hired master permit will identify a CDQ permit number and the individual authorized by the CDQ group to land halibut for debit against the CDQ group's halibut CDQ. A halibut CDQ hired master permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A halibut CDQ hired master permit may be reissued to the permit holder of record in the same fishing year in which it was surrendered.

* * * * *

(f) * * *

(1) *Requirement.* No shoreside processor of the United States, SFP, or CQE floating processor defined at § 679.2 may receive, process, purchase, or arrange to purchase unprocessed groundfish harvested in the GOA or BSAI, unless the owner or authorized representative first obtains an FPP issued under this part. A processor may not be operated in a category other than as specified on the FPP. An FPP is issued without charge.

(2) *FPP application.* To obtain, amend, renew, or surrender an FPP, the owner or authorized representative must complete an FPP application form per the instructions at *http://alaskafisheries.noaa.gov.*

(i) *Fees.* For the FPP application to be considered complete, all fees due to NMFS from the owner or authorized representative of a shoreside processor or SFP or person named on a Registered Buyer permit subject to the observer fee as specified at § 679.55(c) at the time of application must be paid.

(ii) *Signature.* The owner or authorized representative of the shoreside processor, SFP, or CQE floating processor must sign and date the application form, certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. If the application form is completed by an authorized representative, proof of authorization must accompany the application form.

(3) * * *

(ii) *Surrendered permit.* (A) An FPP may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. An FPP may be reissued to the permit holder of record in the same fishing year in which it was surrendered.

(B) An owner or authorized representative, who applied for and received an FPP, must notify NMFS of the intention to surrender the FPP by submitting an FPP application form found at the NMFS Web site at *http://alaskafisheries.noaa.gov* and indicating on the application form that surrender of the FPP is requested. Upon receipt and processing of an FPP surrender application form, NMFS will withdraw the FPP from active status in permit data bases.

(iii) *Amended permit*—(A) *Requirement.* An owner or authorized representative, who applied for and received an FPP, must notify NMFS of any change in the permit information by submitting an FPP application form found at the NMFS Web site at *http://alaskafisheries.noaa.gov.* The owner or authorized representative must submit the application form as instructed on the form. Upon receipt and approval of an FPP amendment application form, NMFS will issue an amended FPP.

(B) *GOA Inshore Processing endorsement.* A GOA inshore processing endorsement is required in order to process GOA inshore pollock and Eastern GOA inshore Pacific cod. If an SFP owner or authorized representative holds an FPP with a GOA Inshore Processing endorsement, the SFP is prohibited from processing GOA pollock and GOA Pacific cod in more

than one single geographic location during a fishing year and is also prohibited from operating as a catcher/processor in the BSAI. Once issued, a GOA Inshore Processing endorsement cannot be surrendered for the duration of a fishing year.

(C) *CQE Floating Processor endorsement.* If a vessel owner or authorized representative holds an FPP with a GOA Inshore Processing endorsement in order to process Pacific cod within the marine municipal boundaries of CQE communities in the Western or Central GOA, the vessel must not meet the definition of an SFP and must not have harvested groundfish off Alaska in the same calendar year. Vessels are prohibited from holding both a GOA CQE Floating Processor endorsement and a GOA SFP endorsement during the same calendar year.

(4) *Transfer.* An FPP issued under this paragraph (f) is not transferable or assignable and is valid only for the processor for which it is issued.

(5) *Inspection.* A legible copy of a valid FPP issued under this paragraph (f) must be on site at the shoreside processor, SFP, or CQE floating processor at all times and must be presented for inspection upon the request of any authorized officer.

* * * * *

(g) * * *

(1) * * *

(ii) A scallop LLP license may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A surrendered scallop LLP license will cease to exist and will not be subsequently reissued.

* * * * *

(k) * * *

(6) * * *

(x) *Surrender of groundfish or crab LLP.* A groundfish or crab LLP license may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. A surrendered groundfish or crab LLP license will cease to exist and will not be subsequently reissued.

* * * * *

(l) * * *

(5) * * *

(ii) *Surrender of permit.* An AFA inshore processor permit may be voluntarily surrendered in accordance with paragraph (a)(9) of this section. The AFA inshore processor permit will not be reissued in the same fishing year in which it was surrendered, but may be reapplied for and if approved, reissued to the permit holder of record in a subsequent fishing year.

* * * * *

3. In § 679.7, revise paragraphs (a)(1), (a)(7)(i), and (a)(15) to read as follows:

§ 679.7 Prohibitions.

* * * * *

(a) * * *

(1) *Federal Fisheries Permit (FFP).* (i) Fish for groundfish in the BSAI or GOA with a vessel of the United States that does not have on board a legible copy of a valid FFP issued under § 679.4.

(ii) Conduct directed fishing for Atka mackerel, Pacific cod, or pollock with pot, hook- and-line, or trawl gear from a vessel of the United States that does not have on board a legible copy of a valid FFP issued under § 679.4 and endorsed for Atka mackerel, Pacific cod, or pollock under § 679.4(b).

* * * * *

(7) *Inshore/offshore.* (i) Operate a vessel in the ''inshore component in the GOA'' as defined in § 679.2 without a valid Inshore Processing endorsement on the vessel's FFP or FPP.

* * * * *

(15) *Federal processor permit (FPP).* (i) Receive, purchase or arrange for purchase, discard, or process groundfish harvested in the GOA or BSAI by a shoreside processor or SFP and in the Western and Central GOA regulatory areas, including Federal reporting areas 610, 620, and 630, that does not have on site a legible copy of a valid FPP issued pursuant to § 679.4(f).

(ii) Receive, purchase or arrange for purchase, discard, or process groundfish harvested in the GOA by a CQE floating processor that does not have on site a legible copy of a valid FPP issued pursuant to § 679.4(f).

* * * * *

[FR Doc. 2014–08600 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 79, No. 75
Friday, April 18, 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

Agricultural Marketing Service

[Doc. No. AMS–LPS–14–0024]

Livestock, Poultry and Seed Program; Request for Revision of a Currently Approved Information Collection and To Merge the Collections of OMB 0581–0124 and 0581–0128

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501–20), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget, for revision of two previously approved collections by merging them into a single information collection. AMS recently merged the Livestock, Poultry and Seed Program's Poultry Grading Branch and Grading and Verification Division. Due to this organizational merger, AMS intends to combine the following collections, 0581–0128 ''Regulations Governing the Voluntary Grading of Shell Eggs—7 CFR part 56'' and 0581–0124 ''7 CFR part 54 Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards) and 7 CFR part 62 Quality Systems Verification Program (QSVP).'' These collections will be combined into a single collection retitled 0581–0128 ''Regulations for Voluntary Grading, Certification, and Standards—7 CFR parts 54, 56, 62, and 70.''

DATES: Comments on this notice must be received by June 17, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this information collection notice. Comments should be submitted online at *www.regulations.gov* or sent to Michelle Degenhart, Assistant to the Director, Quality Assessment Division, Livestock, Poultry and Seed Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Room 3942–S, Washington, DC 20250–0256, or by facsimile to (202) 690–2746. All comments should reference the Doc. No. (AMS–LPS–14–0024), the date, and the page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided, online at *http://www.regulations.gov* and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Michelle Degenhart at the above physical address, or by email at *Michelle.Degenhart@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulations for Voluntary Grading, Certification, and Standards—7 CFR parts 54, 56, 62, and 70.

OMB Number: 0581–0128.

Expiration Date of Approval: June 30, 2014.

Type of Request: Revision and merger of a currently approved information collection.

Abstract: The Agricultural Marketing Act of 1946 (AMA) (7 U.S.C. § 1621–1627) directs and authorizes the United States Department of Agriculture (USDA) to develop standards of quality, grades, grading programs, and certification services which facilitate marketing of agricultural products, assure consumers of quality products that are graded and identified under USDA programs. To provide programs and services, section 203(h) of the AMA (7 U.S.C. § 1622(h)) directs and authorizes the Secretary of Agriculture to inspect, certify, and identify the grade, class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary may prescribe, including assessment and collection of fees for the cost of service. The Livestock, Poultry and Seed Program recently merged the Poultry Grading Branch and the Grading and Verification Division and became the Quality Assessment Division (QAD). The regulations in 7 CFR part 54, 56, and 70 provide a voluntary program for grading, certification and standards of shell eggs, poultry products, rabbit products, meats, prepared meats, and meat products. The regulation in 7 CFR part 62—Quality Systems Verification Program (QSVP) is a collection of voluntary, audit based, user-fee funded programs that allow applicants to have program documentation and program processes assessed by AMS auditor(s) and other USDA officials. QSVP is user-fee programs based on the approved hourly rate established under 7 CFR part 62. AMS also provides other types of voluntary services under these regulations, e.g., contract and specification acceptance services and verification of product, processing, further processing, temperature, and quantity. Because this is a voluntary program, respondents request or apply for the specific service they wish, and in doing so, they provide information. The information collected is used only by authorized representatives of the USDA (AMS, Livestock, Poultry and Seed Program's Quality Assessment Division national and field staff, which includes State agencies.) Examples of information collected includes, but not limited to: total received volume in pounds or cases, volume in pounds of graded, processed and reprocessed products, case volume of graded product, applicant's name, billing and facility address, commitment hours and requests for approval of commodity specifications or chemical compounds and is used to conduct services requested by respondents. The Agency is the primary user of the information. The information collection requirements in this request are essential to carry out the intent of the AMA, to provide the respondents the type of service they request, and to administer the program.

0581–0128: Regulations Governing the Voluntary Grading of Shell Eggs—7 CFR Part 56

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .227 hours per response.

Respondents: Shell Egg industry or other for-profit businesses. State or local governments, businesses or other for profits, and small businesses or organizations.

Estimated Number of Respondents: 658 respondents.

Estimated Total Annual Responses: 23,145.5 responses.

Estimated Number of Responses per Respondent: 35.18 responses.

Estimated Total Annual Burden on Respondents: 5,254.20 hours.

0581–0124: 7 CFR Part 54 Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards) and 7 CFR Part 62 Quality Systems Verification Program (QSVP)

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .22 hours per response.

Respondents: Livestock and meat industry or other for-profit businesses. State or local governments, businesses or other for profits, and small businesses or organizations.

Estimated Number of Respondents: 83 respondents.

Estimated Total Annual Responses: 5,998 responses.

Estimated Number of Responses per Respondent: 72.3 responses.

Estimated Total Annual Burden on Respondents: 1,330 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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

Dated: April 15, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–08924 Filed 4–17–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Colville National Forest, LeClerc Creek Cattle Grazing Allotment

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Colville National Forest is proposing to reauthorize livestock grazing in the LeClerc Creek Cattle and Horse Grazing Allotment (hereafter referred to as the allotment). The allotment contains land identified as suitable for domestic livestock grazing in the Colville National Forest Land and Resource Management Plan (Forest Plan). The focus of this project is to analyze management of the existing allotment. This analysis complies with Section 504 of the 1995 Rescissions Bill (Pub. L. 104–19). The Act requires new permits be issued unless there are significant environmental concerns.

DATES: Comments concerning the scope of the analysis must be received by May 19, 2014. The draft environmental impact statement is expected June 2014 and the final environmental impact statement is expected January 2015.

ADDRESSES: Send written comments to Newport/Sullivan Ranger District, 315 N. Warren Ave. Newport, WA 99156. Comments may also be sent via email to *comments-pacificnorthwest-newport@fs.fed.us,* or via facsimile to 509–447–7301.

FOR FURTHER INFORMATION CONTACT: Michelle Paduani at 509–447–7361 or *michellelpaduani@fs.fed.us.* Electronic comments must be part of an email message or as an attachment in MS Word format (.doc or .docx), Rich Text Format (.rtf), Plain Text (.txt), or Portable Document Format (.pdf).

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Project Location

The analysis area encompasses 23,413 acres of land within the LeClerc Creek sub watershed. Primary access is via Fourth of July (FR 1932), East Branch LeClerc (FR 1934), Middle Branch LeC!erc (FR 1935), and West Branch LeC!erc (FR 1933) roads.

Purpose and Need for Action

The focus of this project is to analyze management of the existing grazing allotment permit. Analysis included as part of this environmental impact statement would:

- Comply with Section 504 of the 1995 Rescissions Bill (Pub. L. 104–19);
- Multiple Use Sustained Yield Act of 1960; Forest and Rangeland Renewable Resources Planning Act of 1974; Federal Land Policy and Management Act of 1976; and the National Forest Management Act of 1976.
- It is Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with land management plans (CFR 222.2(c); and Forest Service Manual [FSM] 2203.1).
- The need for the proposed action is that a qualified applicant would like to continue livestock grazing on this allotment. Management proposals would move the existing condition toward compliance with the Riparian Management Objectives prescribed in the Inland Native Fish Strategy (USDA, 1995), which would also indirectly lead to moving the state listed stream reach toward State Water Quality standards for temperature. There is also a need to determine what improvements are needed within the allotment, where they are needed, and how to implement the proposals. This includes improving allotment management conditions (e.g., improvement of riparian conditions in some areas, review of allotment boundaries, and improve forage quality and quantity).

The current condition will be evaluated against Forest Plan management objectives and desired future conditions as described by the Forest Plan, Regional Forester's Forest Plan Amendment #2, the Inland Native Fish Strategy Environmental Assessment (INFISH EA) (June 1995).

Proposed Action

The proposed action would include:

- Maintain the current authorization of 535 Animal Unit Months (AUM);
- Change the turn-on date for the allotment from June 1 to June 15. The end of the normal use period would be extended from October 1 to October 15;
- Allotment boundary adjustment;
- Removal of the Fourth of July pasture and associated improvements from the allotment;
- Installation of new fence and improvement of existing fence;
- Installation and maintenance of cattle guards;
- Installation of upland water developments, or other water systems;
- Establish a riparian exclosure;
- Reroute public access to the holding pen at Hanlon Meadow;
- Improve and develop hardened cattle crossings to reduce damage;
- Establish a deferred rotation grazing strategy; and
- Establish designated riparian monitoring areas.

Possible Alternatives

In addition to the Proposed Action and any alternative that is developed following the scoping effort, the project interdisciplinary team will analyze the effects of:

Alternative A—No Change

This alternative would authorize grazing under the existing management plan. There would be no change to existing allotment or pasture boundaries, season of use, and permitted number of cow/calf pairs (101). No new improvements would be installed, with the exception of a riparian exclosure on the lower Middle Branch LeClerc Creek that was planned and approved prior to this project. Other planned management activities would continue. The relocation of the 1935–117 road would still be relocated via the 1935–116 road.

Alternative B—No Action

Alternative B is the ''No Grazing'' alternative. The Council for Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) require that a ''no action'' alternative be developed as a benchmark from which the agency can evaluate the proposed action. No action in grazing management planning is synonymous with ''no grazing'' and means that livestock grazing would not be authorized within the project area. (USDA–PS 2005a).

Under this alternative, livestock grazing would be discontinued on the LeClerc Creek Allotment and the allotment would be closed. The existing Term Grazing Permit would be cancelled pursuant to Forest Service Handbook (FSH) 2209.13 part 16.24 which references Code of Federal Regulations (CFR) chapter 36, part 222.4(a)(l). 36 CFR 222.4(a)(l) and states ''except in an emergency, no permit shall be cancelled without 2 years' prior notification.'' The requirement is 2 calendar years (January 1-December 31) notification. The authority to cancel the current Term Grazing Permit lies with the Regional Forester and is delegated to the Forest Supervisor as described in Forest Service Manual (FSM) 2204.2 and 2204.3.

Additionally, no range improvements or resource protection projects would be implemented. Current Forest-wide programs such as noxious weed management and road maintenance would continue. Range improvements including fences, water systems, and corrals would remain on the allotment but would no longer be the responsibility of the permittee to maintain. Existing range improvements would be removed as needed pending available funding and project requirements. It is the desire of the Forest Service to have all range improvements removed within a 10-year time frame but this is subject to change. The Forest Service would attempt to maintain homestead meadows within the project area. The 1935–117 road would be obliterated and decommissioned.

Responsible Official

The responsible official will be the District Ranger, Gayne Sears, Newport/Sullivan Lake Ranger District, Colville National Forest, 315 N Warren Ave., Newport, WA 99156.

Nature of Decision To Be Made

An environmental analysis will evaluate site-specific issues, consider management alternatives and analyze the potential effects of the proposed action and alternatives. An environmental impact statement will provide the Responsible Official with the information needed to decide whether to adopt and implement the proposed action, or an alternative to the proposed action, or take no action to reauthorize livestock grazing in the LeClerc Creek Cattle and Horse Grazing Allotment. This EIS will tier to the Colville National Forest Land and Resource Management Plan and its subsequent amendments, which provide overall guidance for land management activities Colville National Forest.

Preliminary Issues

- Water quality and stream health compliance with INFISH habitat guidelines, Washington Department of Ecology water quality standards, and the Clean Water Act;
- Management of riparian conditions to provide for the continued sustainability of aquatic species;
- Protect soil resources -reduce or minimize compaction, sedimentation, displacement and erosion;
- Ability of the permittee to manage pastures that are physically separated;
- Maintenance of extensive fencing within the allotment;
- Protection of Cultural Resources; and
- Protection of Endangered Species and their habitat.

Scoping Process

This notice of intent continues the scoping process, which guides the development of the environmental impact statement. Public comments about this proposal are requested in order to assist in identifying issues, and determining how to best manage the resources, and focus the analysis.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the agency with the ability to provide the commenter with subsequent environmental documents.

Dated: April 11, 2014.

Gayne Sears,

District Ranger.

[FR Doc. 2014–08850 Filed 4–17–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Idaho Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Idaho Resource Advisory Committee (RAC) will meet in Idaho Falls, ID. 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 recommned projects for approval by the Designated Federal Official.

DATES: The meeting will be held May 5, 2014 at 9 a.m.

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

ADDRESSES: The meeting will be held at the office of the Caribou-Targhee National Forest, 1405 Hollipark Drive, Idaho Falls, ID 83401. If there ae question please call the RAC Coordinator, Lynn Ballard at 208–557–5765.

Written comments may be submitted as described under Supplementary Information. All comments, including

names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Caribou-Targhee NF office, 1405 Hollipark Drive, Idaho Falls, ID 83420. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lynn Ballard, RAC Coordinator by phone at 208–557–5765 or via email at *lballard@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: [*http://www.fs.usda.gov/main/ctnf/workingtogether/advisorycommittees*]. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 28, 20145 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Lynn Ballard, RAC Coordinator, 1405 Hollipark Drive, Idaho Falls, ID 83420 or by email to *lballard@fs.fed.us*, or via facsimile to 208–557–5827.

Dated: April 14, 2014.

Brent L. Larson,

Forest Supervisor.

[FR Doc. 2014–08842 Filed 4–17–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tuolumne and Mariposa Counties Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Tuolumne and Mariposa Counties Resource Advisory Committee (RAC) will meet in Sonora, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meetings are open to the public. The purpose of the meetings is to review project proposals, hear presentations by project proponents, and to vote on projects to recommend for Title II funding.

DATES: The meetings will be held on the following dates:

- May 5, 2014 from 12:00 p.m. to 3:00 p.m.
- May 19, 2014 from 9:00 a.m. to 12:00 p.m.
- June 2, 2014 from 12:00 p.m. to 4:00 p.m.

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

ADDRESSES: The meeting will be held at at the City of Sonora Fire Department, 201 South Shepherd Street, Sonora, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Stanislaus National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Beth Martinez, RAC Coordinator by phone 209–532–3671, extension 320; or via email at *bethmartinez@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/Web_Agendas?OpenView&Count=1000&RestrictToCategory=Tuolumne+and+Mariposa+Counties.* 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 at least a week in advance to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Beth Martinez, RAC Coordinator, Stanislaus NF Supervisor's Office, 19777 Greenley Road, Sonora, CA 95370; or by email to *bethmartinez@fs.fed.us,* or via facsimile to 209–533–1890.

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 3, 2014.

Scott Tangenberg,

Deputy Forest Supervisor.

[FR Doc. 2014–07919 Filed 4–17–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Pacific Tuna Fisheries Logbook.

OMB Control Number: 0648–0148.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 11.

Average Hours Per Response: 5 minutes.

Burden Hours: 96.

Needs and Uses: This request is for extension of a currently approved information collection.

United States (U.S.) participation in the Inter-American Tropical Tuna

Commission (IATTC) results in certain recordkeeping requirements for U.S. fishermen who fish in the IATTC's area of management responsibility. These fishermen must maintain a log of all operations conducted from the fishing vessel, including the date, noon position, and the tonnage of fish aboard the vessel, by species. The logbook form provided by the IATTC is universally used by U.S. fishermen to meet this recordkeeping requirement. The information in the logbooks includes areas and times of operation and catch and effort by area. Logbook data are used in stock assessments and other research concerning the fishery. If the data were not collected or if erroneous data were provided, the IATTC assessments would likely be incorrect and there would be an increased risk of overfishing or inadequate management of the fishery.

Affected Public: Business or other for-profit organizations.

Frequency: Daily when on fishing trips.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or faxed to (202) 395–5806.

Dated: April 14, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–08835 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–43–2014]

Scope Determination Regarding the Effect on Foreign-Trade Zone Board Orders Resulting From Modifications to the Harmonized Tariff Schedule of the United States

Pursuant to Section 400.14(d) of the FTZ Board regulations (15 CFR Part 400), it has been determined that the scope of FTZ Board Orders has not been affected by the 2012 modification of the Harmonized Tariff Schedule of the United States (HTSUS).

Some Foreign-Trade Zone (FTZ) Board Orders, particularly orders relating to oil refinery subzones, contain references to HTSUS numbers. Such references were intended to describe types of products that were either included in or excluded from the scope of FTZ Board actions. The scope of FTZ Board Orders will continue to apply to those products as described in the orders and related appendices, even though the HTSUS number associated with the product may change. The scope of FTZ Board Orders should be interpreted as applying to the new HTSUS numbers. Similarly, the addition of new classifications to the HTSUS does not imply authority for any new production activity (including new categories of foreign status components or finished products) requiring advance approval by the FTZ Board.

The following table provides a list of 2012 HTSUS changes relating to FTZ Board Orders for oil refinery subzones:

Past HTS No.	New HTS No.
2710.19.05	2710.19.06
2710.19.10	2710.19.11
2710.19.23	2710.19.26
2710.11.25	2710.12.25
2710.11.45	2710.12.45

FOR FURTHER INFORMATION CONTACT: Elizabeth Whiteman (*Elizabeth.Whiteman@trade.gov,* (202) 482–0473) or Diane Finver (*Diane.Finver@trade.gov,* (202) 482–1367), Foreign-Trade-Zones Board, U.S. Department of Commerce, Room 21013, 1401 Constitution Ave. NW., Washington, DC 20230.

Dated: April 15, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–08937 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–999]

Countervailing Duty Investigation of 1,1,1,2-Tetrafluoroethane From the People's Republic of China: Preliminary Affirmative Determination and Alignment of Final Determination With Final Antidumping Determination

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

SUMMARY: The Department of Commerce (the ''Department'') preliminarily determines that countervailable subsidies are being provided to producers and exporters of 1,1,1,2-Tetrafluoroethane (''tetrafluoroethane'') from the People's Republic of China (the ''PRC''). We invite interested parties to comment on this preliminary determination.

DATES: *Effective Date:* April 18, 2014.

FOR FURTHER INFORMATION CONTACT: Katie Marksberry and Josh Startup, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202.482.7906 or 202.482.5260, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The product subject to this investigation is 1,1,1,2-Tetrafluoroethane, R-134a, or its chemical equivalent, regardless of form, type, or purity level. The chemical formula for 1,1,1,2-tetrafluoroethane is CF_3-CH_2F, and the Chemical Abstracts Service (''CAS'') registry number is CAS 811–97–2.

1,1,1,2-Tetrafluoroethane is sold under a number of trade names including Klea 134a and Zephex 134a (Mexichem Fluor); Genetron 134a (Honeywell); Suva 134a, Dymel 134a, and Dymel P134a (DuPont); Solkane 134a (Solvay); and Forane 134a (Arkema). Generically, 1,1,1,2-tetrafluoroethane has been sold as Fluorocarbon 134a, R-134a, HFC-134a, HF A-134a, Refrigerant 134a, and UN3159.

Merchandise covered by the scope of this investigation is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 2903.39.2020. Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Methodology

The Department is conducting this countervailing duty (''CVD'') investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the ''Act''). For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memo.[1] The Preliminary Decision Memo is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and

[1] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Countervailing Duty Investigation of 1,1,1,2-Tetrafluoroethane from the People's Republic of China: Decision Memorandum for the Preliminary Determination,'' dated concurrently with this notice (''Preliminary Decision Memo'').

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

The Department notes that, in making these findings, we relied, in part, on facts available and, because one or more respondents did not act to the best of their ability to respond to the Department's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.[2] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memo.

Alignment

As noted in the Preliminary Decision Memo, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), we are aligning the final CVD determination in this investigation with the final determination in the companion antidumping duty (''AD'') investigation of 1,1,1,2-Tetrafluoroethane from the PRC.[3] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than August 4, 2014, unless postponed.

Preliminary Determination and Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated an individual rate for each producer/exporter of the subject merchandise individually investigated. We preliminarily determine the countervailable subsidy rates to be:

Company	Subsidy rate
T.T. International Co., Ltd	28.74 percent.
JUHUA (including Zhejiang Quhua Fluor-Chemistry Co., Ltd., and other Juhua Stock Companies)	4.04 percent.
Jiangsu Bluestar Green Technology Co., Ltd	1.35 percent.
All Others	16.39 percent.

In accordance with sections 703(d)(1)(B) and (2) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation of all entries of tetrafluoroethane from the PRC that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit for such entries of merchandise in the amounts indicated above.

In accordance with sections 703(d) and 705(c)(5)(A) of the Act, for companies not investigated, we apply an ''all-others'' rate, which is normally calculated by weighting the subsidy rates of the individual companies selected as respondents by those companies' exports of the subject merchandise to the United States. Under section 705(c)(5)(i) of the Act, the all-others rate should exclude zero and *de minimis* rates calculated for the exporters and producers individually investigated. Where the rates for the investigated companies are all zero or *de minimis,* section 705(c)(5)(A)(ii) of the Act instructs the Department to establish an all-others rate using ''any reasonable method.'' Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the ''all-others'' rate by weight averaging the rates of the two individually investigated respondents, because doing so risks disclosure of proprietary information. Therefore, and consistent with the Department's practice, for the ''all-others'' rate, we calculated a simple average of the two responding firms' rates.[4]

Disclosure and Public Comment

The Department intends to disclose calculations performed for this preliminary determination to the parties within five days of the date of public announcement of this determination in accordance with 19 CFR 351.224(b). Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[5] A table of contents, list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[6] Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date, time and location to be determined. Parties will be notified of the date, time and location of any hearing.

International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the International Trade Commission (''ITC'') of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative

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

[3] *See 1,1,1,2-Tetrafluoroethane from the People's Republic of China: Initiation of Antidumping Duty Investigation,* 78 FR 73832 (December 9, 2013).

[4] *See, e.g., Countervailing Duty Investigation of Chlorinated Isocyanurates From the People's Republic of China: Preliminary Determination and Alignment of Final Determination With Final Antidumping Determination,* 79 FR 10097 (February 24, 2014).

[5] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

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

protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: April 11, 2014.

Paul Piquado,

Assistant Secretary, for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memo

1. Summary
2. Background
3. Scope Comments
4. Scope of the Investigation
5. Alignment
6. Respondent Selection
7. Injury Test
8. Application of Countervailing Duty Law to Imports From the PRC
9. Subsidies Valuation
10. Benchmarks and Discount Rates
11. Use of Facts Otherwise Available and Adverse Inferences
12. Analysis of Programs
13. Verification
14. Conclusion

[FR Doc. 2014–08932 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–843]

Certain Lined Paper Products From India: Preliminary Results of Changed Circumstances Review

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

DATES: *Effective Date:* April 18, 2014.

SUMMARY: In response to a request from Navneet Education Limited (Navneet Education), a producer/exporter of certain lined paper products (CLPP) from India, and pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216 and 351.22l(c)(3)(ii), the Department is issuing this notice of preliminary results. We preliminarily determine that Navneet Education is the successor-in-interest to Navneet Publications (India) Ltd. (Navneet Publications). We invite interested parties to comment on these preliminary results.

FOR FURTHER INFORMATION CONTACT: Cindy Robinson or Eric B. Greynolds, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3797 and (202) 482–6071, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2006, the Department published the antidumping duty (AD) and countervailing duty (CVD) orders on CLPP from India.[1] On October 17, 2013, Navneet Education informed the Department that effective September 30, 2013, the former company, Navneet Publications, changed its name to Navneet Education in accordance with company's existing board of directors' resolution and Indian law.[2] Navneet Education stated that the name change process began in August 2013 and was finalized by the end of September 2013.[3] Navneet Education submitted a copy of ''Fresh Certificate of Incorporation Consequent upon Change of Name'' approved by ''Government of India—Ministry of Corporate Affairs, Registrar of Companies, Maharashtra, Mumbai,'' dated October 17, 2013.[4]

As the company is now known as Navneet Education, it requests that: (1) The Department conduct a changed circumstances review under section 751(b)(1) of the Act and 19 CFR 351.216 to determine that it is the successor-in-interest to Navneet Publications for purposes of the antidumping order; and (2) that the Department issue instructions to Customs and Border Protection (CBP) that reflect this conclusion.[5]

On January 14, 2014, the Department initiated a changed circumstances review explaining that while there was sufficient evidence to initiate a successor-in-interest review, it was necessary for the Department to issue a questionnaire requesting additional information for review as provided by 19 CFR 351.221(b)(2).[6] On January 15, 2014, the Department issued a supplemental questionnaire to Navneet Education, to which Navneet responded on January 29, 2014.[7]

We received no comments from any other interested party concerning the changed circumstances review request filed by Navneet Education.

Scope of the Order

The merchandise covered by the *CLPP Order*[8] is certain lined paper products, typically school supplies (for purposes of this scope definition, the actual use of or labeling these products as school supplies or non-school supplies is not a defining characteristic) composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets (there shall be no minimum page requirement for looseleaf filler paper). The products are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4811.90.9035, 4811.90.9080, 4820.30.0040, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[9]

Methodology

In accordance with section 751(b)(1) of the Act, we are conducting a changed circumstances review based upon the information contained in Navneet Education's submissions.[10]

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia,* 71 FR 56949 (September 28, 2006) (*CLPP Order*).

[2] *See* Certain Lined Paper Products from India: Request for Changed Circumstances Reviews of Navneet Publications (India) Ltd. (October 17, 2013) (CCR Request) at 2, 8 (indicating that Navneet Publications participated as a respondent in the original AD investigation, and it has been a respondent in several AD administrative reviews, most often as a named mandatory respondent (*e.g.,* in the second through fourth reviews it received the following company-specific margins of 1.34 percent, 0.43 percent, and 2.7 percent, respectively. In the fifth review, Navneet Publications received a non-selected rate of 11.01 percent. In the on-going sixth review, it is again selected as a mandatory respondent).

[3] *Id.,* at Attachment 1.

[4] *Id.*

[5] *Id.,* at 1–2.

[6] *See Certain Lined Paper Products from India: Initiation of Changed Circumstances Review,* 79 FR 3567, 3568 (January 22, 2014).

[7] *See* Navneet Education's January 29, 2014, Supplemental Questionnaire Response.

[8] *See CLPP Order.*

[9] For a complete description of the Scope of the Order, *see* the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Changed Circumstances Review: Certain Lined Paper Products from India'' (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice. *See, also, CLPP Order.*

[10] *See* CCR Request and Navneet Education Supp QNR Response.

In making a successor-in-interest determination, the Department examines several factors, including but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.[11] While no single factor or combination of these factors will necessarily provide a dispositive indication of a successor-in-interest relationship, the Department will generally 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.[12] Thus, if the 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 former company, the Department will accord the new company the same antidumping treatment as its predecessor.

For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.[13]

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

[11] *See, e.g., Pressure Sensitive Plastic Tape from Italy: Preliminary Results of Antidumping Duty Changed Circumstances Review,* 75 FR 8925 (February 26, 2010), unchanged in *Pressure Sensitive Plastic Tape From Italy: Final Results of Antidumping Duty Changed Circumstances Review,* 75 FR 27706 (May 18, 2010).

[12] *See e.g., Brake Rotors From the People's Republic of China: Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 70 FR 69941 (November 18, 2005), citing *Brass Sheet and Strip from Canada: Final Results of Antidumping Duty Administrative Review,* 57 FR 20460 (May 13, 1992).

[13] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement & Compliance, ''Decision Memorandum for Preliminary Results of Changed Circumstances Review: Certain Lined Paper Products from India,'' (Preliminary Decision Memorandum) dated concurrently with this **Federal Register** notice.

Preliminary Results of the Changed Circumstances Review

Based on the evidence reviewed, we preliminarily determine that Navneet Education is the successor-in-interest to Navneet Publications. Specifically, we find that the change of the company name from Navneet Publications to Navneet Education resulted in no significant changes to management, production facilities, supplier relationships, customer relationships, or ownership/legal structure with respect to the production and sale of the subject merchandise. Thus, we preliminarily determine that Navneet Education operates as the same business entity as Navneet Publications with respect to the subject merchandise.

If the Department upholds these preliminary results in the final results, Navneet Education will retain the AD deposit rate currently assigned to Navneet Publications with respect to the subject merchandise (*i.e.,* the 11.01 percent cash deposit rate currently assigned to Navneet Publications). However, because cash deposits are only estimates of the amount of antidumping duties to be assessed, changes in cash deposit rates are not made retroactively.[14] Therefore, no retroactive change will be made to Navneet Education's cash deposit rate, as Navneet Education requested.[15] If these preliminary results are adopted in the final results of this changed circumstances review, we will instruct CBP to suspend liquidation of entries of CLPP made by Navneet Education, effective on the publication date of the final results, at the cash deposit rate assigned to Navneet Publications.

Public Comment

Interested parties may submit case briefs and/or written comments not later than 30 days after the date of publication of this notice.[16] Rebuttals to written comments may be filed no later than five days after the written comments are filed.[17] Parties who submit case or rebuttal briefs are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All comments are to be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS) available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building, and must also be served on interested parties.[18] An electronically filed document must be received successfully in its entirety by IA ACCESS by 5:00 p.m. Eastern Standard Time on the day it is due.[19]

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's IA ACCESS system within 30 days after the date of publication of this notice.[20] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[21] Parties should confirm by telephone the date, time, and location of the hearing.

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.

We are issuing and publishing this finding and notice in accordance with sections 751(b)(l) and 777(i)(l) of the Act and 19 CFR 351.216.

Dated: April 11, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Results
V. Discussion of Methodology

[14] *See Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India,* 77 FR 64953 (October 24, 2012); *see also Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom: Final Results of Changed-Circumstances Antidumping and Countervailing Duty Administrative Reviews,* 64 FR 66880 (November 30, 1999).

[15] Navneet argued that the determination as successor-in-interest should be made effective as of the date of the name change, *i.e.,* September 30, 2013. *See* CCR Request at 8.

[16] *See* 19 CFR 351.309(c)(2).

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

[18] *See* 19 CFR 351.303(b) and (f).

[19] *See* 19 CFR 351.303(b).

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

[21] *See* 19 CFR 351.310.

VI. Recommendation

[FR Doc. 2014–08801 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on Tuesday, May 20, 2014 from 8:30 a.m. to 5:00 p.m. Eastern Time.

DATES: The meeting will be held Tuesday, May 20, 2014, from 8:30 a.m. to 5:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held at the NIST, 100 Bureau Drive, Gaithersburg, MD 20899.

Please note admittance instructions in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Karen Lellock, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, telephone number (301) 975–4269, email: *Karen.Lellock@nist.gov*.

SUPPLEMENTARY INFORMATION: The MEP Advisory Board (Board) is authorized under Section 3003(d) of the America COMPETES Act (Pub. L. 110–69); codified at 15 U.S.C. 278k(e), as amended, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Board is composed of 10 members, appointed by the Director of NIST. MEP is a unique program consisting of centers across the United States and Puerto Rico with partnerships at the state, federal, and local levels. The Board provides a forum for input and guidance from Hollings MEP program stakeholders in the formulation and implementation of tools and services focused on supporting and growing the U.S. manufacturing industry, provides advice on MEP programs, plans, and policies, assesses the soundness of MEP plans and strategies, and assesses current performance against MEP program plans.

Background information on the Board is available at *http://www.nist.gov/mep/advisory-board.cfm*.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the MEP Advisory Board will hold an open meeting on Tuesday, May 20, 2014 from 8:30 a.m. to 5:00 p.m. Eastern Time. This meeting will focus on (1) the MEP Advisory Board's final review of the NIST MEP Strategic plan, including discussion on measurement and implementation of the plan, (2) updates on NIST MEP Workforce initiatives and (3) NIST MEP report on Board recommendations. The final agenda will be posted on the MEP Advisory Board Web site at *http://www.nist.gov/mep/advisory-board.cfm*.

Admittance Instructions: Anyone wishing to attend this meeting should submit their name, email address and phone number to Karen Lellock (*Karen.lellock@nist.gov* or 301–975–4269) no later than Tuesday, May 13, 2014, 5:00 p.m. Eastern Time. Non-U.S. citizens must submit additional information; please contact Ms. Lellock.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the MEP Advisory Board's business are invited to request a place on the agenda. Approximately 15 minutes will be reserved for public comments at the beginning of the meeting. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be no more than three to five minutes each. The exact time for public comments will be included in the final agenda that will be posted on the MEP Advisory Board Web site as *http://www.nist.gov/mep/advisory-board.cfm*. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the MEP Advisory Board, National Institute of Standards and Technology, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, or via fax at (301) 963–6556, or electronically by email to *karen.lellock@nist.gov*.

Dated: April 10, 2014.

Phillip Singerman,

Associate Director for Innovation & Industry Services.

[FR Doc. 2014–08903 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program

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 17, 2014.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to David B. Enabnit, (301) 713–2770 x132, *Dave.Enabnit@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

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

The National Oceanic and Atmospheric Administration (NOAA) was mandated to develop and implement a quality assurance program under which the Administrator may certify privately-made hydrographic products. The Administrator fulfilled this mandate by establishing procedures by which hydrographic products are proposed for certification; by which standards and compliance tests are developed, adopted, and applied for those products; and by which certification is awarded or denied. These procedures are at 15 CFR 996.

The application and recordkeeping requirements at 15 CFR 996 are the basis for this collection of information.

II. Method of Collection

Respondents have a choice of making application using either electronic or paper means. Methods of submittal include email of documents, and mail and facsimile transmission of paper documents described in 15 CFR 996.

III. Data

OMB Control Number: 0648–0507.

Form Number: None.

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

Affected Public: Businesses or other for-profit organizations

Estimated Number of Respondents: 5.

Estimated Time Per Response: 4 hours each to prepare the initial application, for documentation to accompany an item submitted for certification, and for a request for reconsideration of a NOAA decision.

Estimated Total Annual Burden Hours: 16.

Estimated Total Annual Cost to Public: $85.

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 14, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–08836 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD247

Marine Mammals; File No. 18691

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Terrie M. Williams, Ph.D., Department of Ecology and Evolutionary Biology, Center for Ocean Health, Long Marine Laboratory, University of California Santa Cruz, 100 Shaffer Road, CA 95060, has applied in due form for a permit to conduct research on Weddell seals (*Leptonycotes weddellii*).

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. 18691 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. 18691 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 Courtney Smith, (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.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests a 5-year permit to study sub-ice navigation and orientation of Weddell seals in the area around Ross Island, McMurdo Sound, Antarctica. The purpose of the study is to understand key sensory modalities used for locating breathing holes in the sea ice and to address the overarching questions: Do Weddell seals possess a magnetic sense, and do they use it to sense Earth's geomagnetic field for navigating under sea ice over small spatial scales? In each of three annual field seasons (3 months during July-December across a 5-year project), up to 12 seals will be captured, sedated, weighed, measured, and have ultrasound and metabolic measurements taken. Eight of those 12 animals will also be instrumented and translocated within their home range. Up to 20 Weddell seals may be incidentally disturbed and up to two Weddell seals may die during research activities during each of the three annual field seasons. Samples may be imported to the U.S. from Antarctica.

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 activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

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. 2014–08837 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD241

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Scientific and Statistical Committee (SSC) of the Mid-Atlantic

Fishery Management Council (Council) will hold meetings.

DATES: The SSC meeting will be held on Wednesday and Thursday, May 7–8, 2014. The meeting will begin at 9 a.m. on May 7 and conclude by 2 p.m. on May 8.

ADDRESSES: The meetings will be held at Admiral Fell Inn, 888 Broadway, Baltimore, MD 21231; telephone: (410) 522–7377.

Council Address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: Agenda items to be discussed at the SSC meeting include: 2015–17 ABC recommendations for butterfish; review multi-year ABC recommendations and research plan for Atlantic mackerel; 2015–17 ABC recommendations for *Illex* and long-finned squid; review fishery performance reports for surfclams and ocean quahogs; guidelines for ecosystem approach to fishery management; research plan development.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: April 15, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–08876 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD244

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The North Pacific Fishery Management Council's (NPFMC) Bering Sea Aleutian Islands (BSAI) Crab Plan Team (CPT) will meet in Juneau, AK.

DATES: The meeting will be held May 5–8, 2014, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Federal Building, 709 W 9th Street, Room 420, Juneau, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Stram, at (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Plan Team will review final assessments for three BSAI crab stocks (Aleutian Islands golden king crab, Adak red king crab, Norton Sound red king crab), model scenarios for fall 2014 stock assessments, review of a generic model application, discussion of crab bycatch limits (data needs and evaluation of existing measures in groundfish fisheries, research priorities, EBS time series analysis, current research efforts, and data workshop plans.

The Agenda is subject to change, and the latest version will be posted at *http://www.alaskafisheries.noaa.gov/npfmc/*

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: April 15, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–08875 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination Under the Textile and Apparel Commercial Availability Provision of the U.S.-Korea Free Trade Agreement (''KORUS FTA'')

AGENCY: The Committee for the Implementation of Textile Agreements.

ACTION: Determination to add a product in unrestricted quantities to Annex 4–B–1 of the KORUS FTA Agreement.

DATES: *Effective Date:* April 18, 2014.

SUMMARY: The Committee for the Implementation of Textile Agreements (''CITA'') has determined that certain cuprammonium rayon filament yarns, as specified below, are not available in commercial quantities in a timely manner in the United States. The product will be added to the list in Annex 4–B–1 of the KORUS FTA in unrestricted quantities.

FOR FURTHER INFORMATION CONTACT: Pamela Kirkland, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3587.

FOR FURTHER INFORMATION ON-LINE: *http://web.ita.doc.gov/tacgi/FTA_CABroadcast.nsf//KoreaPetitions Approved* under ''Approved Requests,'' Reference number: 1.2014.03.11.Yarn. KSSforDaeYongTextileCo;Ltd.

SUPPLEMENTARY INFORMATION:

Authority: KORUS FTA; Section 202(o) of the United States-Korea Free Trade Agreement Implementation Act (''Act''), Public Law 112–41; and Presidential Proclamation No. 8783 (77 FR 14265, March 9, 2012).

Background: Article 4.2.6 of the KORUS FTA provides for a list in Appendix 4–B–1 for fibers, yarns, and fabrics that the United States has determined are not available in commercial quantities in a timely manner from suppliers in the United States (''Commercial Availability List''). A textile or apparel good imported into the United States containing fibers, yarns, or fabrics that are included on the Commercial Availability List in Appendix 4–B–1 of the KORUS FTA will be treated as if it is an originating good for purposes of the specific rules of origin in Annex 4–A of the KORUS FTA, regardless of the actual origin of

those inputs, in accordance with the specific rules of origin of Annex 4–A. Section 202(o)(3)(F) of the Act provides that the President shall establish procedures under sections 202(o)(3)(C) and (E) in order to determine whether fibers, yarns, or fabrics are not available in commercial quantities in a timely manner in the United States, and whether a fiber, yarn, or fabric should be removed from the Commercial Availability List in Appendix 4–B–1 when it has become available in commercial quantities. In Proclamation No. 8783 (77 FR 14265, March 9, 2012), the President delegated to CITA his authority under the commercial availability provision to establish procedures for modifying the list of fibers, yarns, or fabrics not available in commercial quantities in a timely manner, as set out in Annex 4–B of the KORUS FTA.

Pursuant to this delegation, on March 19, 2012, CITA published Interim Procedures it follows in considering requests to modify the list of fibers, yarns, or fabrics determined to be not commercially available in a timely manner in the United States under the KORUS FTA (*Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States-Korea Free Trade Agreement and Estimate of Burden for Collection of Information,* 77 FR 16001, March 19, 2012) (''CITA's procedures'').

On March 11, 2014, the Chairman of CITA received a Request for a commercial availability determination (''Request'') from Kingery, Samet & Sorini PLLC on behalf of Dae Yong Textile Co., Ltd, for certain cuprammonium rayon filament yarns as specified below. On March 13, 2014, in accordance with procedures established by CITA for commercial availability proceedings under the KORUS FTA, CITA notified interested parties of the Request, which was posted on the dedicated Web site for the KORUS FTA Commercial Availability proceedings. In its notification, CITA advised that any Response with an Offer to Supply (''Response'') must be submitted by March 25, 2014, and any Rebuttal Comments to the Response must be submitted by March 31, 2014 in accordance with sections 6 and 7 of CITA's procedures. No interested entity submitted a Response to the Request advising CITA of its objection to the Request with an offer to supply the subject product.

In accordance with section 202(o) of the Act, Annex 4–B of the KORUS FTA, and section 8(c)(1) of CITA's procedures, as no interested entity submitted a Response to object to the Request with an offer to supply the subject product, CITA has determined to add the specified yarn to the Commercial Availability List in Annex 4–B–1 of the KORUS FTA. The subject product has been added to the Commercial Availability List in 4–B–1 of the KORUS FTA in unrestricted quantities. A revised Commercial Availability List has been posted on the dedicated Web site for KORUS FTA Commercial Availability proceedings.

Specifications: Certain textured and non-textured cuprammonium rayon filament yarns

HTS: 5403.39

Yarn Sizes:

The figures below include the +/ − 10% variance that may occur after knitting, weaving and finishing.

200–163.64 Nm/30 filaments (45–55 denier)

133.33–109.09 Nm/45 filaments (67.5–82.5 denier)

133.33–109.09 Nm/54 filaments (67.5–82.5 denier)

100–81.81 Nm/70 filaments (90–110 denier)

Yarn sizes were calculated using a conversion factor of 9000/denier = Nm No turns

Finish: bright raw white

Cone type package

Dated: April 15, 2014.

Kim Glas,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2014–08948 Filed 4–17–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2012–HA–0148]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by May 19, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Electronic Blood Management System (EBMS); OMB Control Number 0720–TBD.

Type of Request: New Collection.

Number of Respondents: 4,600.

Responses per Respondent: 1.

Annual Responses: 4,600.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 766.

Needs and Uses: EBMS is a family of related automated information systems (AIS) comprised of two separate and distinct commercial-off-the-shelf (COTS) software applications that provides the Military Health System (MHS) with a comprehensive enterprise wide Blood Donor Management System (BDMS) and a Blood Management Blood Bank and Transfusion Service (BMBB/TS). The Blood Donor Management System (BDMS) employs two separate COTS software applications, Mediware Corporation's LifeTrak Donor™ and LifeTrak Lab & Distribution™. BDMS is a technology modernization effort intended to enhance the DoD's Blood Program capabilities for Donor Centers through the seamless integration of blood products inventory management, transport, availability, and most importantly, blood and blood products traceability from collection to disposition within the electronic health record (EHR). The Blood Management Blood Bank Transfusion Service (BMBB/TS) employs two separate COTS software applications, Mediware Corporation's HCLL™ (Transfusion) and KnowledgeTrak™ (Learning Management). BMBB/TS is an effort intended to enhance the DoD's Blood Program capabilities for a seamless integration of blood banking and transfusion activities, products inventory management, transport, availability, and most importantly traceability from transfusion to disposition or destruction within the electronic health record (EHR). EBMS has built-in safeguards to limit access and visibility of personal or sensitive information in accordance with the Privacy Act of 1974. The application will account for everyone that donates blood and receives a blood transfusion in the MHS—Active Duty, Reserves, National Guard, government civilian, contractors and volunteers assigned or borrowed—this also includes non-appropriated fund employees and foreign nationals.

Affected Public: Contractors, civilian and foreign nationals donating to the Military Health Systems.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. John Kraemer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Kraemer at the Office of Management and Budget, Desk Officer

for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

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.

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: April 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–08913 Filed 4–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0053]

Proposed Collection; Comment Request

AGENCY: Defense Threat Reduction Agency, Defense Nuclear Weapons School, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Defense Threat Reduction Agency, Defense Nuclear Weapons School 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 17, 2014.

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Threat Reduction Agency, Defense Nuclear Weapons School, ATTN: Registrar's Office, 1680 Texas St (BLDG 20362) Kirtland AFB, NM 87117–5669, or call Defense Nuclear Weapons School Registrars office, at (505)846–5666.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DTRA/SCC–WMD Defense Nuclear Weapons School Course Registration; DTRA/SCC Form 34 (November 2012); 0704–TBD.

Needs and Uses: The information collection requirement is necessary to obtain and record the data of personnel attending classes at Defense Nuclear Weapons School. This form is a means of validating personnel and granting access to Class as well as Schoolhouse Web site.

Affected Public: Individuals.

Annual Burden Hours: 20.

Number of Respondents: 120.

Responses per Respondent: 1.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

Respondents are professionals wishing to attend any number of courses at Defense Nuclear Weapons School either online or at Kirtland AFB, Albuquerque NM. This data is provided to create a student account as well as track the student progress through various courses. The student history is also used for internal and external schoolhouse qualifications which are used in the personnel's professional development.

Dated: April 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–08901 Filed 4–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–07]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 14–07 with attached transmittal and policy justification.

Dated: April 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE: 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

APR 11 2014

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-07, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Germany for defense articles and services estimated to cost $250 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE: 5001–06–C

Transmittal No. 14–07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Germany

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$250 million
Total	$250 million

(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:* Provides for the procurement, integration, and installation of hardware and software to upgrade the aircraft mission computer and acoustic systems, and non-integrated simulator equipment on 8 P–3C aircraft. The hardware and software include A (structural and electrical) and B (Weapon Replaceable Assemblies) kits for future integration into the simulator. Also included are the design, development, integration, testing and installation of a ground-based mission support system (which includes the Portable Aircraft Support System and Fast Time Analyzer System); validation and acceptance; spare and repair parts; support equipment; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor technical, engineering, and logistics support

services; and other related elements of logistics support.

(iv) *Military Department:* Navy (LHW)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* 11 Apr 14

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Germany—P–3C Aircraft Upgrades and Related Support

The Government of Germany has requested a possible sale for the procurement, integration, and installation of hardware and software to upgrade the aircraft mission computer and acoustic systems, and non-integrated simulator equipment on 8 P–3C aircraft. The hardware and software include A (structural and electrical) and B (Weapon Replaceable Assemblies) kits for future integration into the simulator. Also included are the design, development, integration, testing and installation of a ground-based mission support system (which includes the Portable Aircraft Support System and Fast Time Analyzer System); validation and acceptance; spare and repair parts; support equipment; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor technical, engineering, and logistics support services; and other related elements of logistics support. The estimated cost is $250 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the military capabilities of a NATO ally and enhancing standardization and interoperability with U.S. forces.

This proposed sale will update hardware and software to ensure the P–3 aircraft maintain operational capability. The upgrades will enhance Germany's ability to participate in future coalition operations and will promote continued interoperability. Germany will have no difficulty absorbing this upgraded equipment into its armed forces

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Mission Systems and Training in Owego, New York; General Dynamics in Bloomington, Minnesota; Lockheed Martin Aeronautics Company in Marietta, Georgia; and Lockheed Martin Mission Systems and Training in Manassas, Virginia. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any additional U.S. government or contractor representatives to Germany.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2014–08894 Filed 4–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0050]

Privacy Act of 1974; System of Records; Correction

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Notice to delete a System of Records Notice; correction.

SUMMARY: On April 9, 2014 (79 FR 19589), DoD published a notice deleting a Privacy Act System of Records notice, K270–01, DoD Digital Certificate Records. The Reason paragraph was written inaccurately, and this notice corrects the error.

FOR FURTHER INFORMATION CONTACT: Jeanette Weathers-Jenkins, 6916 Cooper Avenue, Fort Meade, MD 20755–7901, or (301) 225–8158.

SUPPLEMENTARY INFORMATION: On April 9, 2014 (79 FR 19589), DoD published a notice deleting a Privacy Act System of Records notice, K270–01, DoD Digital Certificate Records. Subsequent to the publication of that notice, DoD discovered that the Reason paragraph for the deletion was inaccurately written.

Correction

On page 19589, in the second column, in the ''Deletions'' paragraph, make the following correction:

DELETIONS:

K270–01, DoD Digital Certificate Records (October 9, 2001, 66 FR 51404).

Reason: Based on a recent review of DISA systems of records notices K270–01, DoD Digital Certificate Records (October 9, 2001, 66 FR 51404), is covered by the system of records notice K890.14 DoD, Identity Synchronization Service (IdSS) (December 8, 2010, 75 FR 76428) and therefore K270–01, DoD Digital Certificate Records can be deleted.

Dated: April 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–08902 Filed 4–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Availability of Draft Environmental Impact Statement for the Dallas Floodway Project, in the City of Dallas, Dallas County, TX

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

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Fort Worth District has prepared a Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration and recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, TX. The DEIS documents the existing condition of environmental resources in areas considered for development, and potential impacts on those resources as a result of implementing alternatives. The alternatives considered in detail are: (1) No-Action Alternative or ''Future Without Project Condition;'' (2) Proposed Action with the Trinity Parkway; and (3) Proposed Action without the Trinity Parkway.

DATES: All written comments must be postmarked on or before June 2, 2014. The Corps of Engineers will hold a public meeting for the DEIS on Thursday, May 8, 2014, from 5:30 to 9:30 p.m., at the Dallas City Hall, L1FN Auditorium, 1500 Marilla, Dallas, TX 75201. The public can enter the Dallas City Hall Garage entrance off of Field and Young Street (parking is free). The building should be entered through the green doors.

ADDRESSES: Comments may be submitted in writing to: Marcia Hackett, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102–0300, or via email to *marcia.r.hackett@usace.army.mil.* Oral and written comments may also be submitted at the public meeting described in the **DATES** section.

FOR FURTHER INFORMATION CONTACT: Marcia Hackett at (817) 886–1373 or via email at *marcia.r.hackett@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The USACE, Fort Worth District has prepared a DEIS in accordance with the National Environmental Policy Act. The DEIS has been developed as a cooperative effort by the USACE Fort Worth District, the City of Dallas, TX (non-federal sponsor), and the Federal Highway Administration (cooperating agency). The DEIS describes the anticipated environmental and socioeconomic impacts of the proposed Dallas Floodway Project located in Dallas, TX. The City of Dallas proposes to implement Flood Risk Management elements, Balanced Vision Plan (BVP) Study Ecosystem and Recreation features, and Interior Drainage Plan (IDP) improvements within the Trinity River Corridor. The Dallas Floodway Project is located along the Trinity River upstream from the abandoned Atchison, Topeka and Santa Fe bridge to the confluence of the West and Elm Forks, then upstream along the West Fork for approximately 2.2 miles, and upstream about 4 miles along the Elm Fork. Section 5141 of the Water Resources Development Act of 2007 (Pub. L. 110–114; 121 Stat. 1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of a required National Environmental Policy Act (NEPA) documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the Proposed Action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Trinity River Corridor in Dallas, TX. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing of the Dallas Floodway have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007. USACE invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Dallas Floodway Project are urged to participate in the NEPA process. A public meeting will be held as described in the **DATES** section. Copies of the DEIS may be reviewed at the following locations: (1) U.S. Army Corps of Engineers, Fort Worth District Web site: *http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx*; (2) Dallas Public Library, 1515 Young Street, Dallas, TX 75201; (3) Oak Lawn Branch Library, 4100 Cedar Spring Road, Dallas, TX 75219; (4) North Oak Cliff Library, 302 W. 10th Street, Dallas, TX 75208; and (5) at the public meeting as described in the **DATES** section. Copies may also be requested in writing at (see **ADDRESSES**).

In addition to the Federal project described above, the City of Dallas has submitted an application for approval of the entire project (BVP and IDP) as a locally sponsored action under the provisions of 33 United States Code Section 408 (Section 408), Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act (RHA). Approval is required due to: (1) The proposed location of the Project and activities within the Dallas Floodway; (2) the discharge of dredge and fill material into waters of the United States; and (3) activities in navigable waters of the United States. Approximately 323 acres of waters of the U.S., including roughly 157 acres of open water and 166 acres of wetlands, would be impacted by Alternative 2. Of this total acreage, approximately 134 acres are navigable open waters of the Trinity River. Permit Number for this action is SWF–2014–00151.

The proposed action will be reviewed in accordance with 33 CFR 320–332, the Regulatory Program of the U.S. Army Corps of Engineers, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to approve the project will be based on an evaluation of the probable impact, including cumulative impact, of the proposal on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes, and other interested parties in order to consider and evaluate the impacts of this proposal associated with a potential permit decision. Any comments received will be considered by the USACE in determining whether to issue, issue with conditions, or deny the permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1–13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act.

Any comments concerning the TCEQ application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC–150, P.O. Box 13087, Austin, TX 78711–3087. The public comment period extends 45 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if

granted, would adversely affect such interest.

Rob Newman,

Director, Trinity River Corridor, Project Office.

[FR Doc. 2014–08795 Filed 4–17–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability and Notice of Public Meetings for the Draft Supplemental Environmental Impact Statement for the Guam and Commonwealth of the Northern Mariana Islands Relocation (2012 Roadmap Adjustments)

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code [U.S.C.] 4321, et seq.) and the Council of Environmental Quality (CEQ) Regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations [CFR] Parts 1500–1508), the Department of the Navy (DoN) announces the availability of the Draft Supplemental Environmental Impact Statement for the Guam and Commonwealth of the Northern Mariana Islands Military Relocation (2012 Roadmap Adjustments) (hereinafter ''Draft SEIS'').

The DoN is the lead Federal agency for development of the Draft SEIS. The agencies that have accepted the DoN's invitation to participate as cooperating agencies are the U.S. Air Force, the Federal Aviation Administration, the Federal Highway Administration, the U.S. Environmental Protection Agency Region 9, the U.S. Department of Interior—Office of Insular Affairs, and the U.S. Department of Agriculture.

Pursuant to 40 CFR 1502.9, the DoN prepared this Draft SEIS for the purpose of supplementing the portions of the 2010 Final Environmental Impact Statement (EIS) regarding the establishment on Guam of a cantonment (including family housing), a live-fire training range complex (LFTRC), and associated infrastructure to support the relocation of a substantially reduced number of Marines and dependents than was previously analyzed. By supplementing the 2010 Final EIS, the Draft SEIS advances NEPA's purpose of informing decision-makers and the public about the environmental effects of the DoN's proposed action.

The DoN will conduct three (3) public meetings to receive oral and written comments on the Draft SEIS. Federal agencies, territorial/local governmental agencies, and interested individuals are invited to be present or represented at the public meetings. The meetings will be comprised of two parts: (1) An informational open house and (2) public hearing. All comments will become part of the public record and will help officials make informed decisions on the proposed action. These meetings will also serve to provide information to the public about how the 2011 Programmatic Agreement fulfills the requirements under Section 106 of the National Historic Preservation Act for the proposed action. This notice announces the dates and locations of the public meetings for this Draft SEIS.

DATES: The 60-day public comment period for the Draft SEIS will start on April 18, 2014 Eastern Daylight Time (EDT) (April 19, 2014 Chamorro Standard Time [ChST]) with the publication of a Notice of Availability in the **Federal Register** by the U.S. Environmental Protection Agency and will end on June 16, 2014 EDT (June 17, 2014 ChST).

The three (3) public meetings will begin with a two-hour open house session where the public can learn more about the proposed action and potential environmental impacts from project team members and subject matter experts. A hearing will follow the open house. The public is encouraged to attend the meetings, which will be held on the following dates, times, and locations:

- Saturday, May 17, 2014, open house from 1:00 p.m. to 3:00 p.m. and public hearing from 3:00 p.m. to 5:00 p.m., Okkodo High School, 660 Route 3, Dededo;
- Monday, May 19, 2014, open house from 5:00 p.m. to 7:00 p.m. and public hearing from 7:00 p.m. to 9:00 p.m., Father Dueñas Memorial School Phoenix Center, 119 Dueñas Lane, Chalan Pago; and
- Tuesday, May 20, 2014, open house from 5:00 p.m. to 7:00 p.m. and public hearing from 7:00 p.m. to 9:00 p.m., Gymnasium, Naval Base Guam—Santa Rita Annex, Bldg. 4177 (former McCool School), Naval Magazine Road, Santa Rita.

Informational posters will be displayed and DoN representatives will be available during the open house portion of the meetings to discuss the proposed action, answer questions, and to accept written comments from the public. A Chamorro interpreter will be available. Oral comments will be recorded during the public hearing portion of the meetings. Speakers will be limited to three (3) minutes to ensure all who wish to speak have an opportunity to do so. If a long statement is to be presented, it should be summarized at the public hearing and the full text submitted in writing.

Interested agencies, individuals, and groups unable to attend the public meetings are encouraged to submit comments by June 17, 2014, ChST. Mailed comments should be postmarked no later than June 17, 2014, ChST to ensure they are considered.

ADDRESSES: The public may provide comments during one of the public meetings, through the project Web site at *http://guambuildupeis.us,* or by mail at: Joint Guam Program Office Forward, P.O. 153246, Santa Rita, Guam 96915.

The Draft SEIS was distributed to Federal, state, and local agencies, elected officials, and other interested individuals and organizations. The Draft SEIS is available for public review at *http://guambuildupeis.us* and at the following libraries: University of Guam Robert F. Kennedy Memorial Library, Government Documents, Tan Siu Lin Building, UOG Station, 303 University Drive, Mangilao, GU 96923; and the Nieves M. Flores Memorial Library, 254 Martyr Street, Hagatña, GU 96910. The public may request copies of the Draft SEIS Executive Summary by mail from the Joint Guam Program Office Forward, P.O. 153246, Santa Rita, Guam 96915.

SUPPLEMENTARY INFORMATION: The DoN's proposed action is to construct and operate a cantonment, including family housing, and an LFTRC on Guam to support the Marine Corps relocation. To meet the purpose of and need for the proposed action, the Marine Corps requires facilities that can fully support the missions of the relocated units. These requirements include a cantonment (with family housing and community support facilities) of sufficient size and functional organization to accommodate the reduced and reconfigured number of Marines relocating to Guam per the 2012 Roadmap Adjustments, and an LFTRC that allows for simultaneous use of firing ranges to support individual skills training and related operations. The proposed action also includes the provision of on-site utilities, access roads, and related off-site infrastructure to support the proposed cantonment/family housing and LFTRC.

Background

The Draft SEIS supplements the Final EIS for the ''Guam and Commonwealth of the Northern Mariana Islands Military Relocation; Relocating Marines from Okinawa, Visiting Aircraft Carrier

Berthing, and Army Air and Missile Defense Task Force'' dated July 2010. The Record of Decision (ROD) for the Final EIS was signed on September 20, 2010, and published in the **Federal Register** (75 FR 60438, September 30, 2010). In the months following the issuance of the ROD, the DoN made adjustments with regards to the LFTRC, including application of a probabilistic methodology that shrank the overall footprint of the Multi-Purpose Machine Gun range. The DoN also formally committed that if the Route 15 area was selected for the LFTRC, DoN would provide for 24 hours a day, 7 days a week access to Pagat Village and Pagat Cave historical sites, to include the trail leading to both. Faced with this new information, the DoN initially elected to prepare an SEIS limited solely to the evaluation of impacts associated with the location, construction, and operation of the LFTRC. The DoN issued its Notice of Intent (NOI) to prepare the SEIS in February 2012 in the **Federal Register** (77 FR 6787, February 9, 2012). In the NOI, the DoN preliminarily identified five (5) alternatives for the LFTRC: Two (2) were adjacent to Route 15 in northeastern Guam, and three (3) were located at or immediately adjacent to the Naval Magazine (NAVMAG). Public scoping meetings were conducted for the SEIS in March 2012, and the public scoping comment period closed on April 6, 2012. Shortly thereafter, on April 27, 2012, the U.S.-Japan Security Consultative Committee issued a joint statement announcing its decision to adjust the plans outlined in the May 2006 Roadmap for Realignment Implementation. In accordance with these ''2012 Roadmap Adjustments,'' the DoD adopted a new force posture in the Pacific providing for a materially smaller and reconfigured force on Guam. In conjunction with changes in the mix of personnel involved in the relocation, the adjustments reduced the originally planned relocation of approximately 8,600 Marines with approximately 9,000 dependents to a force of approximately 5,000 Marines with approximately 1,300 dependents. That decision prompted the DoN's review of the actions previously planned for Guam and approved in the September 2010 ROD. This review concluded that while some actions remained unchanged, others, such as the size and location of the cantonment and family housing areas, could significantly change because of the force modification. Therefore, the DoN published a new NOI in the **Federal Register** (77 FR 61746, October 11, 2012) and amended the scope of the ongoing LFTRC SEIS to add those actions that materially changed due to the new force posture. The DoN conducted additional public scoping meetings for this SEIS in November 2012.

Alternatives Considered

The Draft SEIS analyzes a range of alternatives for the proposed action including the no action alternative. The Draft SEIS analyzes four (4) cantonment/family housing alternatives: Alternative A—Finegayan; Alternative B—Finegayan/South Finegayan; Alternative C—AAFB; and Alternative D—Barrigada. The Draft SEIS analyzes five (5) LFTRC alternatives: Alternative 1—Route 15; Alternative 2—NAVMAG East/West; Alternative 3—NAVMAG North/South; Alternative 4—NAVMAG L-Shaped; and Alternative 5—Andersen Air Force Base Northwest Field (NWF).

The Draft EIS provides information on the affected environment and impacts of the proposed actions for 18 distinct resource areas. These resource areas include water quality, terrestrial biology, socioeconomics and environmental justice, land use, cultural resources, recreation, visual, marine transportation, ground transportation, air quality, noise, and utilities (including water, power and wastewater), among others.

Preferred Alternative

Per the guidance of CEQ, an agency's preferred alternative is the alternative that the agency believes best fulfills its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors (40 CFR 1502.14(e)). The DoN considered military requirements, infrastructure and environmental impacts and constraints, and scoping input from the public, resource agencies, and Government of Guam during the process of identifying a preferred alternative. The DoN's preferred alternative is to construct and operate a cantonment (including family housing) at Finegayan (Alternative A) and an LFTRC at NWF (Alternative 5). This combination best meets Marine Corps operational requirements (size and layout), maximizes the use of federal land on Guam, and optimizes operational efficiencies due to the relative proximity of the facilities.

FOR FURTHER INFORMATION CONTACT: Commander Curtis Duncan, Joint Guam Program Office at 703–602–3825. On Guam, contact Major Darren Alvarez, Joint Guam Program Office Forward, at 671–339–3337.

Dated: April 14, 2014.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2014–08845 Filed 4–17–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0016]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; ED–524 Budget Information Non-Construction Programs Form and Instructions

AGENCY: Office of the Secretary/Office of the Deputy Secretary, 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 May 19, 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–0016 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Stephanie Valentine, 202–401–0526 or electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here. We will ONLY accept comments in this mailbox when the regulations.gov site is not available to the public for any reason.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an

opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: ED–524 Budget Information Non-Construction Programs Form and Instructions.

OMB Control Number: 1894–0008.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 5,400.

Total Estimated Number of Annual Burden Hours: 94,500.

Abstract: The ED–524 form and instructions are included in U.S. Department of Education discretionary grant application packages and are needed in order for applicants to submit summary-level budget data by budget category, as well as a detailed budget narrative, to request and justify their proposed grant budgets which are part of their grant applications.

Dated: April 15, 2014.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–08892 Filed 4–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Hawaii Clean Energy Draft Programmatic Environmental Impact Statement

AGENCY: U.S. Department of Energy.

ACTION: Notice of availability and public hearings.

SUMMARY: The U.S. Department of Energy (DOE) announces the availability of the *Hawaii Clean Energy Draft Programmatic Environmental Impact Statement* (Hawaii Clean Energy Draft PEIS or Draft PEIS) (DOE/EIS–0459). DOE also announces eight public hearings to receive comments on the Draft PEIS. The Draft PEIS evaluates the potential environmental impacts associated with 31 energy efficiency activities and renewable energy technologies that could assist the State of Hawaii in meeting the goals established under the Hawaii Clean Energy Initiative (HCEI).

DATES: DOE invites comments on the Draft PEIS during a 90-day period, which ends July 17, 2014. Comments submitted after this date will be considered to the extent practicable during preparation of the Hawaii Clean Energy Final PEIS. The Department will hold eight public hearings at the locations, dates, and times listed in **SUPPLEMENTARY INFORMATION** below.

ADDRESSES: Comments on the Draft PEIS may be submitted:

- Orally or in writing at a public hearing.
- By email to *hawaiicleanenergypeis@ee.doe.gov.*
- Through the PEIS Web site at *http://hawaiicleanenergypeis.com.*
- By mail to Dr. Jane Summerson, Hawaii Clean Energy PEIS Document Manager, DOE NNSA, POB 5400 Bldg 401, KAFB East, Albuquerque, NM 87185.

FOR FURTHER INFORMATION CONTACT: For additional information on the Hawaii Clean Energy Draft PEIS, contact Dr. Jane Summerson at the address above or send an email to *hawaiicleanenergypeis@ee.doe.gov.* For general information regarding the DOE National Environmental Policy Act (NEPA) process, contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, telephone 202–586–4600 or leave a message at 800–472–2756.

SUPPLEMENTARY INFORMATION:

Background

DOE and Hawaii entered into a Memorandum of Understanding (MOU) in January 2008 that established a long-term partnership to assist Hawaii in its efforts to transform the way in which energy efficiency and renewable energy resources are planned and used in the State. The MOU established working groups to address key sectors of the energy economy (e.g., electricity, end-use efficiency, transportation, and fuels), which led to the establishment of the Hawaii Clean Energy Initiative (HCEI). A goal of the HCEI is to meet 70 percent of Hawaii's energy needs by 2030 through energy efficiency and renewable energy (collectively ''clean energy'').

PEIS Scoping

On December 14, 2010, DOE issued a notice of intent to prepare a PEIS, with the State of Hawaii as a joint lead, on the wind phase of the Hawaii Interisland Renewable Energy Program (75 FR 77859). In light of scoping comments and regulatory and policy developments, DOE broadened the range of reasonable energy efficiency and renewable energy activities and technologies to be analyzed in the PEIS and issued an amended notice of intent to prepare the Hawaii Clean Energy PEIS (77 FR 47828; August 10, 2012). In preparing the PEIS, DOE considered scoping comments received on the initial and amended notices of intent.

The Hawaii Clean Energy Draft PEIS was prepared with the following cooperating agencies: State of Hawaii (Department of Business, Economic Development and Tourism), U.S. Environmental Protection Agency Region 9, Bureau of Ocean Energy Management, National Park Service, Natural Resources Conservation Service, U.S. Marine Corps, U.S. Navy, and Federal Aviation Administration.

Purpose and Need for Agency Action

The purpose and need for DOE's action is based on the 2008 MOU with the State of Hawaii that established the long-term HCEI partnership. Consistent with this MOU, DOE's purpose and need is to support the State of Hawaii in its efforts to meet 70 percent of the State's energy needs by 2030 through clean energy. DOE's primary purpose in preparing this PEIS is to provide information to the public, Federal and State agencies, and future energy developers on the potential environmental impacts of a wide range of energy efficiency activities and renewable energy technologies that could support the HCEI. This environmental information could be used by decisionmakers, developers, and regulators in determining the best activities and technologies to meet future energy needs. The public could use this PEIS to better understand the types of potential impacts associated with the various technologies.

Proposed Action

DOE's Proposed Action is to develop guidance that can be used in making decisions to support the State of Hawaii in achieving the HCEI's goals.

For the Hawaii Clean Energy Draft PEIS, DOE and the State of Hawaii identified 31 clean energy technologies and activities associated with potential future actions and grouped them into five clean energy categories:

- Energy efficiency,
- Distributed renewable energy technologies,
- Utility-scale renewable energy technologies,
- Alternative transportation fuels and modes, and
- Electrical transmission and distribution.

For each activity or technology, the Draft PEIS identifies potential impacts to 17 environmental resource areas and potential best management practices that could be used to minimize or prevent those potential environmental impacts.

Document Availability

The Hawaii Clean Energy Draft PEIS is posted at *http://hawaiicleanenergypeis.com* and *http://energy.gov/nepa/eis-0459-hawaii-clean-energy-programmatic-environmental-impact-statement.* To obtain a compact disk (CD) of the Draft PEIS, contact Dr. Summerson at the address under **ADDRESSES** above, online at *http://hawaiicleanenergypeis.com,* or by email to *hawaiicleanenergypeis@ee.doe.gov.* Printed copies of the complete PEIS are available at:

- Hawaii State Library, 478 South King Street, Honolulu, HI 96813.
- Lanai Public and School Library, 555 Fraser Ave, Lanai City, HI 96763.
- Wailuku Public Library, 251 High Street, Wailuku, HI 96793.
- Molokai Public Library, 15 Ala Malama, Kaunakakai, HI 96748.
- Hilo Public Library, 300 Waianuenue Ave, Hilo, HI 96720.
- Kailua-Kona Public Library, 75–138 Hualalai Road, Kailua-Kona, HI 96740.
- Lihue Public Library, 4344 Hardy Street, Lihue, HI 96766.
- Kaneohe Public Library, 45–829 Kamehameha Highway, Kaneohe, HI 96744.

DOE will provide a printed copy of the Summary or complete Draft PEIS upon request. However, due to the size of the document (approximately 60 pages for the Summary and 1,300 pages for the complete Draft PEIS), DOE recommends that interested parties take advantage of the download or CD options. If a printed copy is required, contact Dr. Jane Summerson at the address above or by email to *hawaiicleanenergypeis@ee.doe.gov.*

Public Hearings

The Department invites interested parties to provide comments on the Draft PEIS at public hearings to be held May 12 through May 22, 2014, at:

- May 12: Kauai, Kauai War Memorial, Convention Hall, 4191 Hardy Street, Lihue, HI 96766.
- May 13: Hawaii, Kealakehe High School, 74–5000 Puohulihuli Street, Kailua-Kona, HI 96740.
- May 14: Hawaii, Aunty Sally Kaleohano's Luau Hale, 799 Piilani Street, Hilo, HI 96720.
- May 15: Maui, Pomaikai Elementary School, 4650 South Kamehameha Avenue, Kahului, HI 96732.
- May 19: Molokai, Kaunakakai Elementary School, 30 Ailoa Street, Kaunakakai, HI 96748.
- May 20: Lanai, Lanai High & Elementary School, 555 Fraser Avenue, Lanai City, HI 96763.
- May 21: Oahu, Kawananakoa Middle School, 49 Funchal Street, Honolulu, HI 96813.
- May 22: Oahu, James B. Castle High School, 45–386 Kaneohe Bay Drive, Kaneohe, HI 96744.

Each hearing will begin at 5:00 p.m. and end at 8:30 p.m. Each hearing will start with an open house (5:00–5:45), when Federal and State personnel and their contractors will be available to answer questions in an informal setting. The open house will be followed by a presentation (5:45–6:00) by Dr. Summerson, who will describe the PEIS, the NEPA process, and the methods that can be used to submit comments. During the remainder of the hearing, interested parties may present oral comments to DOE. A court reporter will transcribe the comments presented at each hearing. Individuals wishing to speak at a hearing should register when they arrive. DOE will initially allot three minutes to each commenter to ensure that as many people as possible have the opportunity to speak. More time may be provided, as circumstances permit. Written comments may be submitted at the hearing or by the other methods described in **ADDRESSES** above. DOE will give equal consideration to oral and written comments in preparing the Hawaii Clean Energy Final PEIS.

Issued in Washington, DC, April 14, 2014.

Patricia A. Hoffman,

Assistant Secretary, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–08848 Filed 4–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed New Program in Stewardship of Accelerator Technologies for Energy and Environmental Applications

AGENCY: Office of High Energy Physics, Office of Science, Department of Energy.

ACTION: Notice of request for information (RFI).

SUMMARY: The Office of High Energy Physics, as DOE's lead office for long-term accelerator R&D, invites interested parties to provide input on a possible new program to perform R&D leading to advances in particle accelerator technology used in energy and environmental applications.

DATES: Written comments and information are requested on or before May 19, 2014.

ADDRESSES: Interested persons may submit comments by email only. Comments must be sent to *EnergyEnvironmentRFI@science.doe.gov* with the subject line ''Stewardship RFI Comments''.

FOR FURTHER INFORMATION CONTACT: Dr. Eric R. Colby, (301)–903–5475, *Eric.Colby@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

The Challenge

With world energy consumption predicted to grow by 56% between 2010 and 2040,[1] innovations that reduce pollutants from energy production, improve energy efficiency of industrial processes, and develop cost-effective techniques to clean up water and destroy environmental toxins will become increasingly important both to sustaining economic growth, and to protecting the environment.

Accelerator technologies have been demonstrated to have significant impact in each of these areas,[2 3 4 5] but have not reached a sufficient level of technical maturity and economy to be widely adopted.

The Response

The U.S. Department of Energy, acting through the Office of High Energy

[1] International Energy Outlook 2013, *http://www.eia.gov/forecasts/ieo/.*

[2] R. Hamm, M. Hamm, *Industrial Accelerators and Their Applications,* (World Scientific, Singapore: 2012).

[3] *Environmental Applications of Ionizing Radiation,* W. Cooper, R. Curry, and K. O'Shea, Editors, (John Wiley & Sons, New York: 1998).

[4] ''Accelerators for America's Future'', *http://science.energy.gov/~/media/hep/pdf/accelerator-rd-stewardship/Report.pdf* (2009).

[5] Office of High Energy Physics Accelerator R&D Task Force Report, May 2012 *http://science.energy.gov/~/media/hep/pdf/accelerator-rd-stewardship/Accelerator_Task_Force_Report.pdf.*

Physics in the Office of Science, has developed a program in Accelerator Stewardship to serve as a catalyst in transitioning accelerator technologies to applications beyond High Energy Physics.

The Stewardship Program will apply the scientific and technical resources of the DOE accelerator R&D program to facilitate developing accelerator technology innovations into practice.

Accelerator technology includes the accelerator structures, high power radio frequency and microwave sources and systems, high efficiency high-voltage pulsed-power systems, particle beam transport using magnetic components, and high power targets for producing secondary beams. Sophisticated superconducting magnets and accelerators now routinely produce magnetic and electromagnetic fields of unsurpassed strength, power, and quality. Accelerator technology also includes computer control and automation systems, supporting laser systems, safety systems, and diagnostics.

Accelerators produce high power particle beams of electrons and protons that have been used to generate a wide array of intense secondary beams, principally neutrons and photons. Spectral control of both primary and secondary beams has become sophisticated, allowing beams to be specifically tailored to meet demanding application requirements.[6]

The Stewardship Program will pursue several technical ''thrust areas'', each of which will address an identified group of technically related challenges that, if solved, will result in high impact to society.

In the process, high technology will be transferred from the DOE accelerator R&D program into broader use, new public/private partnerships will be fostered, and high quality high technology jobs will be created.

Request for information: The objective of this request for information is to gather information about opportunities for research and development of accelerator technologies to address national challenges in energy and the environment.

The questions below are intended to assist in the formulation of comments, and should not be considered as a limitation on either the number or the issues that may be addressed in such comments. All comments will be made public.

[6] ''Accelerators and Beams: Tools of Discovery and Innovation'', APS–DPB brochure, *http://www.aps.org/units/dpb/upload/accel_beams_2013.pdf.*

The DOE Office of High Energy Physics is specifically interested in receiving input pertaining to any of the following questions:

Application Areas With High Impact

1. What are the most promising applications of accelerator technology to:

a. Produce safe and clean energy?

b. Lower the cost, increase the efficiency, or reduce the environmental impact of conventional energy production processes?

c. Monitor and treat pollutants and/or contaminants in industrial processes?

d. Monitor and treat pollutants produced in energy production?

e. Increase the efficiency of industrial processes with accelerator- or RF/microwave-based processes?

f. Treat contaminants in domestic water supplies and waste water streams?

g. Treat contaminants in the environment at large (cleanup activities)?

h. Produce alternative fuel sources?

i. Address critical environmental or energy related issues not already mentioned?

2. How should Federal, State, or Local regulators consider technologies in determining regulatory compliance?

3. What metrics could be used to estimate the long-term impact of investments in new accelerator technologies?

For Each Proposed Application of Accelerator Technology

Present State of the Technology

4. What are the current technologies deployed for this application?

5. Does accelerator technology have the potential to revolutionize the application or make possible something that was previously thought impossible?

6. Does the US lead or lag foreign competition in this application area?

7. What are the current obstacles (technical, regulatory, operational, and economic) that prevent the technology from being adopted?

8. How is accelerator technology used in the application?

9. Does the performance of the accelerator (either technical, operational, or cost) limit the application?

10. What efforts (both public and private, both domestic and off-shore) currently exist to develop this application?

11. What are the perceived and actual market barriers for the final product?

12. What aspects of the overall technology solution are proprietary or likely to be developed as proprietary, and what aspects are non-proprietary?

Defining the Stewardship Need

13. What is the present technology readiness level (TRL) of the accelerator technology for this application?

14. What resources (both skill and infrastructure) are needed to advance the technology to a prototype phase?

15. What mix of institutions (industrial, academic, lab) could best carry out the required R&D, and who should drive the R&D?

16. What collaboration models would be most effective for pursuing joint R&D?

17. Would partnering with a DOE National Laboratory be beneficial for the required R&D? Which laboratories could provide the greatest leverage?

18. Should cost sharing be considered for a grant or contract to pursue the R&D?

19. How should R&D efforts engage with other innovation and manufacturing initiatives, such as the NNMI?[7]

20. In what ways are the R&D needs not met by existing federal programs?

21. At what point in the manufacturing development cycle would external support no longer be needed?

22. What metrics should be used to assess the progress of a stewardship effort?

Other Factors

23. Are there other factors, not addressed by the questions above, that impact the successful adoption of accelerator technology for industrial purposes?

Depending on the response to this RFI, a subsequent workshop may be held to further explore and elaborate the opportunities.

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

Michael Procario,

Acting Associate Director, Office of High Energy Physics.

[FR Doc. 2014–08846 Filed 4–17–14; 8:45 am]

BILLING CODE 6450–01–P

[7] See *http://manufacturing.gov/* for an NNMI program description.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: RP14–722–000.

Applicants: Cheyenne Plains Gas Pipeline Company, L.

Description: Non-Conforming Negotiated Rate Agreements Update (Foundation) to be effective 5/8/2014.

Filed Date: 4/7/14.

Accession Number: 20140407–5333.

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

Docket Numbers: RP14–723–000.

Applicants: Enable Gas Transmission, LLC.

Description: Negotiated Rate Filing—April 2014—Tenaska 9840 Att A to be effective 4/7/2014.

Filed Date: 4/7/14.

Accession Number: 20140407–5346.

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

Docket Numbers: RP14–724–000.

Applicants: Northern Border Pipeline Company.

Description: Northern Border Pipeline Company Operational Purchases and Sales of Gas Report.

Filed Date: 4/8/14.

Accession Number: 20140408–5079.

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

Docket Numbers: RP14–725–000.

Applicants: Bison Pipeline LLC.

Description: Bison Pipeline LLC Operational Purchases and Sales of Gas Report.

Filed Date: 4/8/14.

Accession Number: 20140408–5080.

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

Docket Numbers: RP14–726–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: Request for Waiver and Extensions of El Paso Natural Gas Company, L.L.C.

Filed Date: 4/8/14.

Accession Number: 20140408–5145.

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

Docket Numbers: RP14–727–000.

Applicants: Southwest Gas Storage Company.

Description: Remove Messenger Agreement to be effective 5/10/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5035.

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

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

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

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

Dated: April 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–08868 Filed 4–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC14–41–000.

Applicants: NorthWestern Corporation, PPL Montana, LLC.

Description: Supplement to January 10, 2014 Joint Application for Order Authorizing Acquisition and Disposition of Jurisdictional Facilities of NorthWestern Corporation and PPL Montana, LLC.

Filed Date: 4/9/14.

Accession Number: 20140409–5249.

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

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

Docket Numbers: ER11–1858–003; ER11–1859–002.

Applicants: NorthWestern Corporation, Montana Generation, LLC.

Description: Supplement to January 10, 2014 Notice of Change in Status of NorthWestern Corporation and Montana Generation, LLC.

Filed Date: 4/9/14.

Accession Number: 20140409–5241.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1355–001.

Applicants: Lakeswind Power Partners, LLC.

Description: Amendment to Market-Based Rate Tariff to be effective 2/25/2014.

Filed Date: 4/10/14.

Accession Number: 20140410–5058.

Comments Due: 5 p.m. ET 5/1/14.

Docket Numbers: ER14–1425–001.

Applicants: Cheyenne Light, Fuel and Power Company.

Description: Supplement to Open Access Transmission Tariff Rate Change Filing to be effective 5/3/2014.

Filed Date: 4/10/14.

Accession Number: 20140410–5119.

Comments Due: 5 p.m. ET 4/17/14.

Docket Numbers: ER14–1665–000.

Applicants: Natural Gas Exchange Inc.

Description: Resubmission of document for April 7, 2014 Natural Gas Exchange Inc. tariff filing.

Filed Date: 4/9/14.

Accession Number: 20140409–5250.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1694–000.

Applicants: Appalachian Power Company.

Description: System Integration Agreement to be effective 6/1/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5203.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1695–000.

Applicants: Indiana Michigan Power Company.

Description: System Integration Agreement Concurrence to be effective 6/1/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5211.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1696–000.

Applicants: Kentucky Power Company.

Description: System Integration Agreement Concurrence to be effective 6/1/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5213.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1697–000.

Applicants: Public Service Company of Oklahoma.

Description: System Integration Agreement Concurrence to be effective 6/1/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5219.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1698–000.

Applicants: Southwestern Electric Power Company.

Description: System Integration Agreement Concurrence to be effective 6/1/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5220.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1699–000.

Applicants: Milford Power, LLC.

Description: Supplement 2 to Notice of Succession and Non-Material Change in Status to be effective 1/28/2014.

Filed Date: 4/10/14.

Accession Number: 20140410–5063.

Comments Due: 5 p.m. ET 5/1/14.

Docket Numbers: ER14–1700–000.

Applicants: Southwest Power Pool, Inc.

Description: EIS Market Service Agreement Cancellations to be effective 3/1/2014.

Filed Date: 4/10/14.

Accession Number: 20140410–5065.

Comments Due: 5 p.m. ET 5/1/14.

Docket Numbers: ER14–1701–000.

Applicants: Southwest Power Pool, Inc.

Description: Notices of Cancellation of EIS Market Service Agreements of Southwest Power Pool, Inc.

Filed Date: 4/10/14.

Accession Number: 20140410–5071.

Comments Due: 5 p.m. ET 5/1/14.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF14–453–000.

Applicants: Sofidel America corp.

Description: Form 556 of Sofidel America corp.

Filed Date: 4/10/14.

Accession Number: 20140410–5041.

Comments Due: None Applicable.

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

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

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

Dated: April 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–08865 Filed 4–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: RP14–729–000.

Applicants: Bison Pipeline LLC.

Description: Cost and Revenue Study—Compliance to CP09–161–000.

Filed Date: 4/10/14.

Accession Number: 20140410–5109.

Comments Due: 5 p.m. ET 4/22/14.

Docket Numbers: RP14–730–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Update Tariff Map 2014 to be effective 5/12/2014.

Filed Date: 4/11/14.

Accession Number: 20140411–5049.

Comments Due: 5 p.m. ET 4/23/14.

Docket Numbers: RP14–731–000.

Applicants: Texas Gas Transmission, LLC.

Description: Update Tariff Map 2014 to be effective 5/12/2014.

Filed Date: 4/11/14.

Accession Number: 20140411–5050.

Comments Due: 5 p.m. ET 4/23/14.

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

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

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

Dated: April 11, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–08869 Filed 4–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: PR14–33–000.

Applicants: Rocky Mountain Natural Gas LLC.

Description: Tariff filing per 284.123(b)(1)/.: Revised Statement of Operating Conditions effective 3/1/2014; TOFC: 980.

Filed Date: 3/28/14.5

Accession Number: 20140328–5171.

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

Docket Numbers: RP14–713–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Amendment to Neg Rate Agmt (Devon 34694–53) to be effective 4/2/2014.

Filed Date: 4/2/14.

Accession Number: 20140402–5126.

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

Docket Numbers: RP14–714–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: Duke Energy 4–1–2014 release to be effective 4/1/2014.

Filed Date: 4/2/14.

Accession Number: 20140402–5129.

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

Docket Numbers: RP14–715–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Volume No. 2—Boston Gas and Narragansett Electric—Amend Exhibit A to be effective 4/1/2014.

Filed Date: 4/3/14.

Accession Number: 20140403–5020.

Comments Due: 5 p.m. ET 4/15/14.

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

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

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

Dated: April 3, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–08866 Filed 4–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: ER10–2011–005; ER10–2016–003; ER10–2008–002; ER10–2009–002.

Applicants: PPL Montana, LLC, PPL EnergyPlus, LLC, PPL Colstrip I, LLC, PPL Colstrip II, LLC.

Description: Supplement to December 31, 2013 Triennial Market-Based Rate Update of the PPL Northwest Companies.

Filed Date: 3/19/14.

Accession Number: 20140319–5071.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER10–2132–005.

Applicants: Willow Creek Energy LLC.

Description: Supplement to December 30, 2013 Triennial Report of Willow Creek Energy LLC.

Filed Date: 3/24/14.

Accession Number: 20140324–5132.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER10–2331–023; ER10–2343–021; ER10–2326–022; ER10–2330–022.

Applicants: J.P. Morgan Ventures Energy Corporation, J.P. Morgan Commodities Canada Corporation, Cedar Brakes I, L.L.C., Utility Contract Funding, L.L.C.

Description: Supplement to December 23, 2013 Updated Triennial Market Analysis for the Northwest Region of The JPMorgan Sellers.

Filed Date: 3/26/14.

Accession Number: 20140326–5015.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER10–2465–002; ER11–2657–003; ER12–1308–003; ER10–2464–002; ER13–1585–002.

Applicants: Milford Wind Corridor Phase I, LLC, Milford Wind Corridor Phase II, LLC, Palouse Wind, LLC, First Wind Energy Marketing, LLC, Longfellow Wind, LLC.

Description: Amending December 23, 2013 Market Power Update Analysis for Northwest Region of Milford Wind Corridor Phase I, LLC, et. al.

Filed Date: 2/3/14.

Accession Number: 20140203–5141.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER12–1564–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–04–08_MVP Compliance Filing Supplement to be effective N/A.

Filed Date: 4/8/14.

Accession Number: 20140408–5141.

Comments Due: 5 p.m. ET 4/29/14.

Docket Numbers: ER14–1488–000; ER14–1489–000; ER14–1490–000; ER14–1491–000; ER14–1492–000; ER14–1494–000; ER14–1495–000; ER14–1497–000; ER14–1500–000; ER14–1501–000; ER14–1502–000; ER14–1503–000.

Applicants: Diablo Winds, LLC, FPL Energy Cabazon Wind, LLC, FPL Energy Green Power Wind, LLC, FPL Energy Montezuma Wind, LLC, FPL Energy New Mexico Wind, LLC, Hatch Solar Energy Center I, LLC, High Winds, LLC, NextEra Energy Montezuma II Wind, LLC, Red Mesa Wind, LLC, Sky River LLC, Vasco Winds, LLC, Windpower Partners 1993.

Description: Amendment to the March 14, 2014 and March 21, 2014 NextEra Companies tariff Order No. 784 Compliance Filings.

Filed Date: 4/8/14.

Accession Number: 20140408–5216.

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

Docket Numbers: ER14–1448–001.

Applicants: ISO New England Inc.

Description: Compliance filing on ER14–1448–000 to be effective 3/7/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5036.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1683–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–04–08_SA 2649 Geronimo-ITC GIA (J281 J282) to be effective 4/9/2014.

Filed Date: 4/8/14.

Accession Number: 20140408–5183.

Comments Due: 5 p.m. ET 4/29/14.

Docket Numbers: ER14–1684–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits Notice of Termination of Multi-Party Facilities Construction Agreement No. 2252 for Project H062 and H074.

Filed Date: 4/8/14.

Accession Number: 20140408–5211.

Comments Due: 5 p.m. ET 4/29/14.

Docket Numbers: ER14–1685–000.

Applicants: Duke Energy Florida, Inc.

Description: Joint OATT Real Power Loss (2014) to be effective 5/1/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5046.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1686–000.

Applicants: National Grid USA.

Description: Request for Limited Tariff Waiver of National Grid USA on behalf of New England Power Company.

Filed Date: 4/8/14.

Accession Number: 20140408–5214.

Comments Due: 5 p.m. ET 4/29/14.

Docket Numbers: ER14–1687–000.

Applicants: National Grid USA.

Description: Request for Limited Tariff Waiver of National Grid USA on behalf of Niagara Mohawk Power Corporation.

Filed Date: 4/8/14.

Accession Number: 20140408–5215.

Comments Due: 5 p.m. ET 4/29/14.

Docket Numbers: ER14–1688–000.

Applicants: Wisconsin Public Service Corporation.

Description: WPSC Distribution Interconnection Agreement with NE.W. Hydro to be effective 7/1/2013.

Filed Date: 4/9/14.

Accession Number: 20140409–5084.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1689–000.

Applicants: Southern California Edison Company.

Description: GIA and Distribution Service Agreement with Windland Refresh, LLC to be effective 4/10/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5100.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1690–000.

Applicants: Monterey SW LLC.

Description: Baseline new to be effective 4/10/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5115.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1691–000.

Applicants: PJM Interconnection, L.L.C.

Description: Original Service Agreement No. 3789; Queue No. T16 to be effective 3/10/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5119.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1692–000.

Applicants: American Electric Power Service Corporation.

Description: Notice of Cancellation of Substitute Rate Schedule FERC No. 21, Revised System Transmission Integration Agreement, of American Electric Power Service Corporation.

Filed Date: 4/9/14.

Accession Number: 20140409–5161.

Comments Due: 5 p.m. ET 4/30/14.

Docket Numbers: ER14–1693–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: FCM Rules Gover Timing of Res to Non-App of Non-Price Ret. Req. to be effective 6/9/2014.

Filed Date: 4/9/14.

Accession Number: 20140409–5170.

Comments Due: 5 p.m. ET 4/30/14.

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

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date.

Protests may be considered, but intervention is necessary to become a party to the proceeding.

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

Dated: April 9, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–08871 Filed 4–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: PR14–27–001.
Applicants: Enable Oklahoma Intrastate Transmission, LLC.
Description: Tariff filing per 284.123/.224: Refiling of SOC Applicable to Transportation Services effective 4/3/2014; TOFC: 790.
Filed Date: 4/3/14.
Accession Number: 20140403–5126.
Comments Due: 5 p.m. ET 4/15/14.

Docket Numbers: RP14–716–000.
Applicants: GeoMet, Inc., ARP Mountaineer Production, LLC.
Description: Request of Waiver for capacity release due to asset transfer of GeoMet, Inc., et. al.
Filed Date: 4/2/14.
Accession Number: 20140402–5217.
Comments Due: 5 p.m. ET 4/9/14.

Docket Numbers: RP14–717–000.
Applicants: Black Marlin Pipeline Company.
Description: Annual Cash-Out Report of Black Marlin Pipeline Company.
Filed Date: 4/3/14.
Accession Number: 20140403–5116.
Comments Due: 5 p.m. ET 4/15/14.

Docket Numbers: RP14–718–000.
Applicants: Alliance Pipeline L.P.
Description: FERC Docket RP14–442.
Filed Date: 4/3/14.
Accession Number: 20140403–5186.
Comments Due: 5 p.m. ET 4/15/14.

Docket Numbers: RP14–719–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Annual Operational Purchases and Sales Report.
Filed Date: 4/4/14.
Accession Number: 20140404–5119.
Comments Due: 5 p.m. ET 4/16/14.

Docket Numbers: RP14–720–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: Hess 4–1–2014 release to be effective 4/1/2014.
Filed Date: 4/4/14.
Accession Number: 20140404–5222.
Comments Due: 5 p.m. ET 4/16/14.

Docket Numbers: RP14–721–000.
Applicants: Saltville Gas Storage Company L.L.C.
Description: Hess 4–1–2014 release to be effective 4/1/2014.
Filed Date: 4/4/14.
Accession Number: 20140404–5223.
Comments Due: 5 p.m. ET 4/16/14.

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

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

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

Dated: April 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–08867 Filed 4–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–1690–000]

Monterey SW LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

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

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

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is April 30, 2014.

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

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

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

Dated: April 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–08870 Filed 4–17–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–1182; FRL–9909–76–OAR]

Proposed Information Collection Request; Comment Request; Emissions Certification and Compliance Requirements for Nonroad Compression-Ignition Engines and On-Highway Heavy Duty Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Emissions Certification and Compliance Requirements for Nonroad Compression-ignition Engines and On-highway Heavy Duty Engines'' (EPA ICR No. 1684.18, OMB Control No. 2060–0287) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension and revision of the ICR, which is currently approved through August 31, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 17, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–1182, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Nydia Yanira Reyes-Morales, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Mail Code 6403J, Washington, DC 20460; telephone number: 202–343–9264; fax number: 202–343–2804; email address: *reyes-morales.nydia@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: For this ICR, EPA is seeking a revision to an existing package with a three year extension. Under ICR 1684.18, EPA collects information regarding heavy-duty on-highway engines and vehicles, nonroad compression-ignition engines, and categories 1 and 2 marine compression-ignition engines (collectively referred to here as ''engines'' for simplicity). Please note that category 3 marine engines and locomotives are covered under separate ICRs.

Title II of the Clean Air Act, (42 U.S.C. 7521 et seq.; CAA), charges the Environmental Protection Agency (EPA) with issuing certificates of conformity for those engines that comply with applicable emission standards. Such a certificate must be issued before engines may be legally introduced into commerce. The information collected is necessary to (1) issue certificates of compliance with emissions standards and requirements; and (2) verify compliance with various programs and regulatory provisions. To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production engines, including detailed descriptions of emission control systems and test data. This information is organized by ''engine family'' groups. Engines within an engine family are expected to have similar emission characteristics.

The emission values achieved during certification testing may also be used in the Averaging, Banking, and Trading (ABT) Program. The program allows engine manufacturers to bank credits for engine families that emit below the standard and use the credits to certify engine families that emit above the standard. They may also trade banked credits with other manufacturers. Participation in the ABT program is voluntary.

The CAA also mandates EPA to verify that manufacturers have successfully translated their certified prototypes into mass produced engines; and that these engines comply with emission standards throughout their useful lives. EPA verifies this through 'Compliance Programs' which include Production Line Testing (PLT), In-use Testing and Selected Enforcement Audits, (SEAs). Not all programs apply to all industries included in this ICR. PLT, which only applies to marine engines, is a self-audit program that allows engine manufacturers to monitor their products' emissions profile with statistical certainty and minimize the cost of correcting errors through early detection. In-use testing allows manufacturers and EPA to verify compliance with emission standards throughout an engine family's useful life. Through SEAs, EPA verifies that test data submitted by engine manufacturers is reliable and testing is performed according to EPA regulations.

There are varying recordkeeping and labeling requirements under all certification and compliance programs.

In this notice, former ICR 1826.05 (''Transition Program for Equipment Manufacturers (TPEM)'', OMB Control Number 2060–0369) is being incorporated into ICR 1684.18. This action is undertaken to consolidate compliance information requirements for nonroad compression ignition engines and equipment under a single ICR for simplification. With this consolidation, we combine most of the certification and compliance burden associated with the nonroad compression-ignition engine and equipment industries. Under TPEM,

nonroad equipment manufacturers are allowed to delay compliance with Tier 4 standards for up to seven years as long as they comply with certain limitations. The program seeks to ease the impact of new emission standards on equipment manufacturers. This is achieved by allowing additional time for equipment manufacturers to redesign their products as needed in response to changes in engine designs. Participation in the program is voluntary. Participating equipment manufacturers and the engine manufacturers who provide TPEM engines are required to keep records and submit annual reports.

The information requested is collected by the Diesel Engine Compliance Center (DECC), Compliance Division (CD), Office of Transportation and Air Quality, Office of Air and Radiation, EPA. DECC uses this information to ensure that manufacturers are in compliance with applicable regulations and the CAA. The information may also be used by EPA's Office of Enforcement and Compliance Assurance and the Department of Justice for enforcement purposes. Most of the information is collected in electronic format and stored in CD's databases.

Manufacturers are allowed to assert a claim of confidentiality over information provided to EPA. Confidentiality is granted in accordance with the Freedom of Information Act and EPA regulations at 40 CFR Part 2. Non-confidential information may be disclosed on OTAQ's Web site or upon request under the Freedom of Information Act to trade associations, environmental groups, and the public.

Form Numbers: See Table 1 below.

TABLE 1—LIST OF FORMS USED TO COLLECT INFORMATION UNDER ICR 1684.18

Form	No.
HD/NR Engine Manufacturer Annual Production Report	5900–90.
AB&T Report for Heavy-duty On-highway Engines	5900–134.
AB&T Report for Nonroad Compression Ignition Engines	5900–125.
AB&T Report for Marine Compression-ignition Engines	Number in process.
PLT Report for Marine CI CumSum	5900–297.
PLT Report for Marine CI Non-CumSum	5900–298.
TPEM Equipment Manufacturer Notification	5900–242.
TPEM Equipment Manufacturer Report	5900–240.
TPEM Engine Manufacturer Report	5900–241.
TPEM Bond Worksheet	5900–239.
Marine CI Application for Certification	5900–124.

Respondents/affected entities: Entities potentially affected by this action are manufacturers of nonroad compression ignition (CI) engines, marine CI engines and on-highway heavy-duty engines; owners of heavy-duty truck fleets, and manufacturers of nonroad compression ignition equipment.

Respondent's obligation to respond: Engine manufacturers must respond to this collection if they wish to sell their products in the U.S., as prescribed by Section 206(a) of the CAA (42 U.S.C. 7521). Participation in ABT is voluntary, but once a manufacturer has elected to participate, it must submit the required information. Likewise, participation in TPEM is voluntary, but once an engine or equipment manufacturer chooses to participate, it must submit the required notifications and annual reports (40 CFR 1039.625 and 1039.626). If applicable to a particular engine family, compliance programs reporting is mandatory.

Estimated number of respondents: 2,350 (total).

Frequency of response: Annual, quarterly, on occasion.

Total estimated burden: 244,287 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $34,470,029 (per year), includes $13,752,082 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 70,101 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to (1) the merger of ICRs 1684.18 and 1826.05, and (2) an increase in the number of respondents. Please note that these are preliminary estimates. EPA is still evaluating information that could lead to a change, likely an increase, in these estimates.

Dated: April 11, 2014.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2014–08918 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9014–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 04/07/2014 through 04/11/2014

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal gencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html*.

EIS No. 20140113, Draft EIS, USFWS, MA, Monomoy National Wildlife Refuge Draft Comprehensive Conservation Plan, Comment Period Ends: 06/09/2014, Contact: Libby Herland 978–443–4661.

EIS No. 20140114, Draft EIS, BLM, CA, Tylerhorse Wind Project Draft Plan Amendment, Comment Period Ends: 07/17/2014, Contact: Cedric Perry 951–697–5388.

EIS No. 20140115, Draft EIS, USACE, TX, Dallas Floodway Project, Comment Period Ends: 06/02/2014, Contact: Marcia Hackett 817–886–1373.

EIS No. 20140116, Draft EIS, USACE, PA, Upper Ohio Navigation Study, Comment Period Ends: 06/02/2014, Contact: Conrad Weiser 412–395–7220.

EIS No. 20140117, Final EIS, BIA, CA, Cloverdale Rancheria of Pomo Indians Fee-To-Trust and Resort Casino Project, Review Period Ends: 05/19/2014, Contact: John Rydzik 916–978–6051.

EIS No. 20140118, Draft Supplement, USN, GU, Guam and Commonwealth of the Northern Mariana Islands Military Relocation (2012 Roadmap Adjustments), Comment Period Ends: 06/16/2014, Contact: CDR Curtis Duncan 703–602–3825.

EIS No. 20140119, Final EIS, USCG, FL, Proposed New Bridge across the Manatee River, Review Period Ends: 05/19/2014, Contact: Randall Overton 305–415–6736.

EIS No. 20140120, Draft EIS, USACE, CA, Delta Islands and Levees Feasibility Study, Comment Period Ends: 06/02/2014, Contact: Brad Johnson 916–557–7812.

EIS No. 20140121, Draft EIS, DOE, HI, PROGRAMMATIC—Hawaii Clean Energy, Comment Period Ends: 07/17/2014, Contact: Dr. Jane Summerson 505–845–4091.

EIS No. 20140122, Draft EIS, USFS, MT, Greater Red Lodge Area Vegetation and Habitat Management Project, Comment Period Ends: 06/02/2014, Contact: Amy Waring 406–255–1451.

EIS No. 20140123, Final EIS, BIA, CA, Los Coyotes Band of Cahuilla and Cupeno Indians Fee-To-Trust and Casino-Hotel Project, Review Period Ends: 05/19/2014, Contact: John Rydzik 916–978–6051.

EIS No. 20140124, Final EIS, USACE, CA, Westbrook Project, Review Period Ends: 05/19/2014, Contact: Kathy Norton 916–557–5260.

Amended Notices

EIS No. 20140069, Draft EIS, USFS, MT, Divide Travel Plan, Helena National Forest, Comment Period Ends: 06/12/2014, Contact: Heather DeGeest 406–449–5201.

Revision to the FR Notice Published 03/14/2014; Extending Comment Period from 04/28/2014 to 06/12/2014.

Dated: April 15, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–08890 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9909–75–OW]

Stakeholder Input; Experts Forum on Public Health Impacts of Blending at Publicly Owned Treatment Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is announcing plans to hold a forum of public health experts in June 2014 to discuss the public health implications of discharges of 'blended' effluent from publicly owned treatment works (POTWs) served by separate sanitary sewers into waterways. The discussion will include public health implications of such discharges.

Today's notice asks for recommendations of public health experts who would be interested and qualified to participate in the forum. In addition, today's notice seeks recommendations of wastewater treatment plant design and operation experts to serve as advisors to the public health forum participants. Today's notice also provides the public with an opportunity to submit data regarding the performance of municipal wastewater treatment plants during wet weather conditions.

Blending is a practice used by some POTWs to manage wastewater when flows to the plant exceed the capacity of the secondary treatment units, which happens most often during wet weather conditions. POTWs engaged in the practice of blending divert excess flow around secondary treatment units and subsequently blend the diverted flows to the portion of flow that received secondary treatment. In some cases the diverted flows receive some additional treatment before blending. The Agency is interested in evaluating the public health implications of different blending scenarios, including scenarios where the diverted flow is subject to supplemental physical/chemical treatment prior to blending and where the diverted flows do not receive any additional treatment prior to blending.

The Agency is undertaking this outreach to help advance the Clean Water Act (CWA) objective to restore and maintain the chemical, physical and biological integrity of the nation's waters (CWA, Section 101(a)).

DATES: Suggestions on experts should be made on or before May 4, 2014. Other technical information requested in this notice should be provided on or before May 19, 2014. We expect to hold the public health forum during June of 2014.

ADDRESSES: Submit your recommendations for experts or other input by one of the following methods:

- *Email to weiss.kevin@epa.gov.*
- *Mail:* Kevin Weiss, Water Permits Division, U.S. Environmental Protection Agency, Room 7421J EPA East, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: EPA will post the date and location of the public health experts' forum at: *www.epa.gov/npdes/peakflowsforum*.

For further information about this notice, contact Kevin Weiss, EPA Headquarters, Office of Water, Office of Wastewater Management at tel.: 202–564–0742 or email: *weiss.kevin@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Wastewater collection systems collect wastewater from homes and other buildings and convey it to wastewater treatment plants for proper treatment and disposal. The collection and proper treatment of municipal wastewater is vital to the public health in our cities and towns and to the viability of our receiving waters.

During and immediately after wet weather events, flows to wastewater collection systems and to treatment facilities typically increase. Significant flow increases in a wastewater collection system can cause overflows of untreated wastewater and sewage backups into buildings. For some municipalities, an important component of their strategy to reduce collection system overflows and backups into buildings is to increase the conveyance of wet weather flows to a treatment plant. Significant increases in flow at the treatment facility can cause operational challenges, especially for biological-based secondary treatment units. Activated sludge systems are particularly vulnerable to high volume peak flows. Peak flows that approach or exceed design capacity of an activated sludge unit can shift the solids inventory from the aeration basin to the clarifier(s), and can result in excessive solids losses from the clarifier(s). If a clarifier experiences excessive loss of solids, treatment efficiencies can be lowered for weeks or months until the biological mass in the aeration basins is reestablished. In addition to these hydraulic concerns, wastewater associated with peak flows may have low concentrations of oxygen-demanding pollutants, which can also decrease treatment efficiencies. Biological nutrient removal processes typically have an increased sensitivity to the hydraulic and loading fluctuations associated with wet weather flows.

Design and operational options that are routinely employed to maintain the effective capacity of biological-based secondary treatment units include:

- Providing alternative feed patterns in the aeration basin(s);
- Increasing the returned activated sludge rate relative to those needed for steady flow;

• Increasing the size of secondary clarifiers; and

• Damping peak flows to biological-based secondary units by providing flow equalization (i.e. storage) prior to the biological-based secondary unit either at the plant or before flows get to the plant.

These options may temporarily decrease treatment efficiencies for the biological-based secondary treatment units and may have limited applicability to biological nutrient removal processes. As a result, there are limitations on the variation in flow volumes and influent strength that biological-based secondary treatment units can accommodate.

Many POTW treatment plants have been designed with primary treatment capacity that is significantly greater than the biological-based secondary treatment capacity. These plants typically provide screening and primary clarification of all flows entering the plant. In order to protect biological-based secondary treatment units during wet weather events, flows that exceed the capacity of the biological-based secondary treatment units are diverted around the biological-based secondary treatment units after they receive primary treatment. At some treatment facilities diverted flows are disinfected and discharged directly to a surface water from a separate outfall. Other facilities blend the diverted flows with flows that receive biological-based secondary treatment and discharge the combined flow after it has been disinfected. Some facilities provide some additional treatment of the diverted flows while other facilities provide no additional treatment, other than disinfection.

Operators of treatment facilities have several design and operational options that can be used to increase pollutant removals during high flow conditions, including:

• Adding chemicals to the primary treatment process that increase solids removals;

• Providing additional primary treatment capacity, thereby lowering overflow rates in the facility's primary treatment units;

• Providing structural changes to primary treatment units, such as the installation of lamella settlers;

• Providing supplemental side stream physical/chemical treatment units, such as high rate clarification systems or fine screen systems, to provide supplemental treatment to flows that are diverted around biological-based secondary treatment units.

EPA is particularly interested in the relative risks associated with pathogens, sediments, nutrients, pharmaceuticals, toxics and other contaminants that may be discharged under blending scenarios.

EPA is seeking nominations of public health experts to participate at a forum to discuss these issues. The experts should be nationally recognized in the fields of evaluating the risks associated with various levels of water quality and/or of effluent from wastewater treatment plants. EPA, in consultation with key stakeholders, will identify wastewater treatment plant design and operation experts to serve as advisors to the public health forum participants. EPA is soliciting nominations for these experts as part of this **Federal Register** notice.

After EPA selects the participants it will provide the participants with more detailed information to read prior to the forum and will provide specific questions on which participants will be asked to provide input.

II. Purpose of Public Health Experts' Forum

The purpose of this forum is to enlist public health experts from federal agencies, local health departments and academia in an effort to ensure that EPA has appropriate health-based information associated with different engineering options available to address wet weather blending at POTWs served by separate sanitary sewers. EPA does not intend that this meeting be a forum for debating the application of the Agency's bypass regulation at 40 CFR 122.41(m) going forward. Rather, this forum is solely concerned with the potential public health impacts of blended discharges from POTWs.

Further, it is not EPA's objective during the forum to establish consensus among the parties or to obtain a collective set of recommendations. Rather, it is EPA's intention to obtain individual input from knowledgeable experts so that the Agency can better understand the differences and commonalities among the individual recommendations. In this regard, EPA has determined that this workshop is not subject to the requirements of the Federal Advisory Committee Act. 5 U.S.C. Appendix 2.

III. Additional Information on the Forum

EPA plans to schedule the forum in June, 2014. Information regarding the date and location of the forum, along with other logistics information, when available, will be posted at *www.epa.gov/npdes/peakflowsforum*.

Members of the public are invited to participate as observers in the forum as capacity allows. Additional details concerning the participation of observers will be posted on this Web page when the location and time of the forum is set.

Authority: Clean Water Act, 33 U.S.C. 1251 et seq.

Dated: April 9, 2014.

Andrew D. Sawyers,

Director, Office of Wastewater Management.

[FR Doc. 2014–08925 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0009; FRL–9908–54]

Pesticide Products; Registration Applications for New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received several applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before May 19, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EPA File Symbol of interest as shown in the body of this document, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), email address:

BPPDFRNotices@epa.gov or Lois Rossi, Registration Division (RD) (7505P), email address: *RDFRNotices@epa.gov;* main telephone number: (703) 305–7090; mailing address: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

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

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

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

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

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

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

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

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

II. Registration Applications

EPA has received several applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will generally be an additional opportunity for a public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process (*http://www.epa.gov/pesticides/regulating/registration-public-involvement.html*). EPA received the following applications to register pesticide products containing an active ingredient not included in any currently registered products:

1. *EPA File Symbols:* 352–ION, 352–IOR, and 352–IOE. *Docket ID Number:* EPA–HQ–OPP–2014–0114. *Applicant:* E.I. du Pont de Nemours & Company, 1007 Market St., Wilmington, DE 19898. *Active ingredient:* Oxathiapiprolin. *Product Type:* Fungicide. *Proposed Uses:* Imported grapes; root and tuber vegetables, tuberous and corm vegetables (crop subgroup 1C); bulb vegetables, onion, bulb (crop subgroup 3–07A); bulb vegetables, onion, green (crop subgroup 3–07B); fruiting vegetables (crop group 8–10); cucurbit vegetables (crop group 9); *Brassica* (cole) leafy vegetables, head and stem *Brassica* (crop subgroup 5A); leafy vegetables (except *Brassica* vegetables), leafy greens (crop subgroup 4A); peas, edible podded; peas, succulent, shelled; ginseng, root; and establish a Guideline Reference Level (GRL) for residues of oxathiapiprolin in or on tobacco, dried leaves. (RD).

2. *EPA File Symbols:* 100–RLGE and 100–RLGG. *Docket ID Number:* EPA–HQ–OPP–2014–0114. *Applicant:* Syngenta Crop Protection, LLC, 410 Swing Rd., P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Oxathiapiprolin. *Product Type:* Fungicide. *Proposed Uses:* Turf and ornamentals. (RD).

3. *EPA File Symbol:* 69553–A. *Docket ID Number:* EPA–HQ–OPP–2014–0154. *Applicant:* SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192 (on behalf of Andermatt Biocontrol AG, Stahlermatten 6 CH–6146, Grossdietwil, Switzerland). *Active ingredient:* *Autographa californica* multiple nucleopolyhedrosis virus strain FV #11. *Product Type:* Insecticide. *Proposed Uses:* For control of cabbage looper larvae (*Trichoplusia ni*) in or on root and tuber vegetables; leafy vegetables; brassica (cole) leafy vegetables; legume vegetables; fruiting vegetables; cucurbit vegetables; watercress; cotton; tobacco; peanut; flowers and/or ornamentals in open agricultural fields, in greenhouses, and/or in residential areas. (BPPD).

4. *EPA File Symbol:* 69553–E. *Docket ID Number:* EPA–HQ–OPP–2014–0151. *Applicant:* SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192 (on behalf of Andermatt Biocontrol AG, Stahlermatten 6 CH–6146, Grossdietwil, Switzerland). *Active ingredient:* *Helicoverpa armigera* nucleopolyhedrovirus strain BV–0003. *Product Type:* Insecticide. *Proposed Uses:* For control of corn earworm, tobacco budworm, and African cotton bollworm in or on root and tuber vegetables; bulb vegetables; leafy vegetables; brassica (cole) leafy vegetables; legume vegetables; fruiting vegetables; cucurbit vegetables; berries; cotton; tobacco; peanut; flowers and/or ornamentals in open agricultural fields, in greenhouses, and/or in residential areas. (BPPD).

5. *EPA File Symbol:* 69553–U. *Docket ID Number:* EPA–HQ–OPP–2014–0152. *Applicant:* SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192 (on behalf of Andermatt Biocontrol AG, Stahlermatten 6 CH–6146, Grossdietwil, Switzerland). *Active ingredient:* *Spodoptera exigua* multinucleopolyhedrovirus strain BV–0004. *Product Type:* Insecticide. *Proposed Uses:* For control of Beet armyworm (*Spodoptera exigua*) in or on root and tuber vegetables; bulb vegetables; leafy vegetables; brassica (cole) leafy vegetables; legume vegetables; fruiting vegetables; cucurbit vegetables; berries; cotton; tobacco; peanut; flowers and/or ornamentals in

open agricultural fields, in greenhouses, and/or in residential areas. (BPPD).

6. *EPA File Symbols:* 84059–RO and 84059–EN. *Docket ID Number:* EPA–HQ–OPP–2014–0003. *Applicant:* Marrone Bio Innovations, 2121 Second St., Suite B–107, Davis, CA 95618. *Active ingredient:* Sarmentine. *Product Type:* Herbicide. *Proposed Uses:* Non-food uses. (BPPD).

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 10, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–08769 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–1017; FRL–9909–30]

Product Cancellation Order for Certain Pesticide Registrations; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of November 20, 2013, and March 13, 2014, concerning receipt of requests to voluntarily cancel certain pesticide registrations and its follow-up cancellation order, respectively. In both notices, EPA inadvertently listed the pesticide product Treflan H.F.P. (EPA Reg. No. MN–100004). The registrant had previously withdrawn the requested voluntary cancellation for this product. Therefore, EPA is not cancelling the pesticide product Treflan H.F.P. (EPA Reg. No. MN–100004). This document removes the cancellation order for Treflan H.F.P. (EPA Reg. No. MN–100004) listed in both the November 20, 2013, and March 13, 2014, **Federal Register** notices.

FOR FURTHER INFORMATION CONTACT: John W. Pates, Jr., Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8195; email address: *pates.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the **Federal Register** notices of November 20, 2013 (78 FR 69666) (FRL 9902–40) and March 13, 2014 (79 FR 14247) (FRL 9905–37) a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–1017, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What does this correction do?

EPA issued a notice in the **Federal Register** of November 20, 2013, and March 13, 2014, concerning receipt of requests to voluntarily cancel certain pesticide registrations and its follow-up cancellation order, respectively. In both notices, EPA listed the pesticide product Treflan H.F.P. (EPA Reg. No. MN–100004). However, soon after the registrant requested voluntary cancellation, the registrant notified the Agency on June 21, 2013, that it chose to withdraw the request for pesticide product Treflan H.F.P. (EPA Reg. No. MN–100004), since it had been mistakenly submitted. Therefore, EPA is not cancelling the pesticide product Treflan H.F.P. (EPA Reg. No. MN–100004). Herein this document, due to the inadvertent listing by EPA, the Agency is removing the cancellation order for Treflan H.F.P. (EPA Reg. No. MN–100004) listed in both the November 20, 2013, and March 13, 2014, **Federal Register** notices.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 10, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–08810 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9909–69–Region–4; EPA–R04–OW–2013–0745]

Public Water System Supervision Program Revision for the State of Alabama

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Alabama is revising its approved Public Water System Supervision Program. Alabama has adopted the following rule: Ground Water Rule. The EPA has determined that Alabama's rule is no less stringent than the corresponding federal regulation. Therefore, the EPA is tentatively approving this revision to the State of Alabama's Public Water System Supervision Program.

DATES: Any interested person may request a public hearing. A request for a public hearing must be submitted by May 19, 2014, to the Regional Administrator at the EPA Region 4 address shown below. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. However, if a substantial request for a public hearing is made by May 19, 2014, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on her own motion, this tentative approval shall become final and effective on May 19, 2014. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices: Alabama Department of Environmental Management, Water Division, 1400 Coliseum Boulevard, Montgomery, Alabama 36110; and the U.S. Environmental Protection Agency,

Region 4, Safe Drinking Water Branch, 61 Forsyth Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Robert Burns, EPA Region 4, Safe Drinking Water Branch, by mail at the Atlanta address given above, by telephone at (404) 562–9456, or by email at *burns.robert@epa.gov*.

EPA Analysis: On February 5, 2013, the State of Alabama submitted a request that the Region approve a revision to the State's Safe Drinking Water Act Public Water System Supervision Program to include the authority to implement and enforce the Ground Water Rule. For the revision to be approved, the EPA must find the State Rules, contained within ADEM Administrative Code Division 335–7, to be no less stringent than the Federal Rules, codified at 40 CFR part 141, Subpart S—Ground Water Rule. The EPA reviewed the application using the Federal statutory provisions (Section 1413 of the Safe Drinking Water Act), Federal regulations (at 40 CFR part 142), State regulations, rule crosswalks, and the EPA regulatory guidance to determine whether the request for revision is approvable. The EPA determined that the Alabama revision is no less stringent than the corresponding Federal regulation.

EPA Action: The EPA is tentatively approving this revision. If the EPA does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on her own motion, this tentative approval will become final and effective on May 19, 2014.

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142.

Dated: March 26, 2014.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 2014–08889 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9909–74–OA]

Request for Nominations of Candidates to the EPA's Clean Air Scientific Advisory Committee (CASAC) and EPA's Science Advisory Board (SAB)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of scientific experts from a diverse range of disciplines to be considered for appointment to the Clean Air Scientific Advisory Committee (CASAC), the Science Advisory Board (SAB) and four SAB committees described in this notice. Appointments are anticipated to be filled by the start of Fiscal Year 2015 (October 2015).

DATES: Nominations should be submitted in time to arrive no later than May 19, 2014.

FOR FURTHER INFORMATION CONTACT: Nominators unable to submit nominations electronically as described below may submit a paper copy to the Designated Federal Officers for the committees, as identified below. General inquiries regarding the work of the CASAC and SAB or SAB committees may also be directed to the designated DFOs.

Background: Established by statute, the CASAC (42 U.S.C. 7409) and SAB (42 U.S.C. 4365) are chartered Federal Advisory Committees that provide independent scientific and technical peer review, consultation, advice and recommendations directly to the EPA Administrator on the scientific bases for EPA's actions and programs. Members of the CASAC and the SAB constitute distinguished bodies of non-EPA scientists, engineers, economists, and behavioral and social scientists who are nationally and internationally recognized experts in their respective fields. Members are appointed by the EPA Administrator for a three-year term.

Expertise Sought for CASAC: Established in 1977 under the Clean Air Act (CAA) Amendments, the chartered CASAC reviews and offers scientific advice to the EPA Administrator on technical aspects of national ambient air quality standards for criteria pollutants (ozone; particulate matter; carbon monoxide; nitrogen oxides; sulfur dioxide; and lead). As required under the CAA section 109(d), CASAC is composed of seven members, with at least one member of the National Academy of Sciences, one physician, and one person representing state air pollution control agencies. Accordingly, the SAB Staff Office is seeking nominations of experts to serve on the CASAC who are members of the National Academy of Sciences as well as physicians who have a special expertise in health effects of air pollution. The SAB Staff Office is also seeking nominations of experts who have demonstrated experience in the following science related to air pollution: Atmospheric sciences; ecological and welfare effects; engineering; health sciences; medicine; public health; modeling; and/or risk assessment.

The SAB Staff Office is especially interested in scientists with expertise described above who have knowledge and experience in air quality relating to criteria pollutants. For further information about the CASAC membership appointment process and schedule, please contact Mr. Aaron Yeow, DFO, by telephone at 202–564–2050 or by email at *yeow.aaron@epa,gov*.

Expertise Sought for the SAB: The SAB was established in 1978 by the Environmental Research, Development and Demonstration Authorization Act to provide independent advice to the Administrator on scientific and technical matters underlying the agency's policies and actions. The chartered SAB provides strategic advice to the EPA Administrator on a variety of EPA science and research programs. All the work of SAB committees and panels is under the direction of the chartered SAB. The chartered SAB reviews all SAB committee and panel draft reports and determines whether they are appropriate to send to the EPA Administrator.

The SAB Staff Office is seeking nominations of experts to serve on the chartered SAB in the following disciplines as they relate to the human health and the environment: Analytical chemistry; ecological sciences and ecological assessment; economics; engineering; geochemistry, health disparities; health sciences; hydrology; hydrogeology; medicine; microbiology; modeling; pediatrics; public health; risk assessment; social, behavioral and decision sciences; and statistics. The SAB Staff Office is especially interested in scientists with expertise described above who have knowledge and experience in air quality; agricultural sciences; climate change; drinking water; energy and the environment; water quality; water quantity; water re-use; ecosystem services; community environmental health; sustainability; chemical safety; green chemistry; human health risk assessment; homeland security; and waste and waste management. For further information about the SAB membership appointment process and schedule, please contact Dr. Angela Nugent, DFO, by telephone at 202–564–2218 or by email at *nugent.angela@epa.gov*.

The SAB Staff Office is also seeking nominations for experts for four SAB committees: The Chemical Assessment Advisory Committee; the Drinking Water Committee; the Ecological Processes and Effects Committee; and, the Radiation Advisory Committee.

(1) The SAB Chemical Assessment Advisory Committee (CAAC) provides advice through the chartered SAB regarding selected toxicological reviews of environmental chemicals available on EPA's Integrated Risk Information System (IRIS). The SAB Staff Office is seeking nominations of experts with experience in chemical assessments. Members should have expertise in one or more of the following disciplines: Public health; epidemiology; toxicology; modeling; biostatistics; risk assessment; and health disparities. For further information about the CAAC membership appointment process and schedule, please contact Dr. Suhair Shallal, DFO, by telephone at 202–564–2057 or by email at *shallal.suhair@epa.gov*.

(2) The SAB Drinking Water Committee (DWC) provides advice on the scientific and technical aspects of EPA's national drinking water program. The SAB Staff Office is seeking nominations of experts with experience on drinking water issues. Members should have one or more of the following disciplines: Environmental chemistry; environmental engineering, epidemiology; microbiology; public health; risk assessment; and toxicology. For further information about the DWC membership appointment process and schedule, please contact Mr. Thomas Carpenter, DFO, by telephone at 202–564–4885 or by email at *carpenter.thomas@epa.gov.*

(3) The SAB Ecological Processes and Effects Committee (EPEC) provides advice on science and research to assess, protect and restore the health of ecosystems. The SAB Staff Office is seeking nominations of experts with demonstrated expertise in the following disciplines: Aquatic ecology; landscape ecology; terrestrial ecology; systems ecology; ecotoxicology; and ecological risk assessment. For further information about the EPEC membership appointment process and schedule, please contact Dr. Thomas Armitage, DFO, by telephone at 202–564–2155 or by email at *armitage.thomas@epa.gov.*

(4) The Radiation Advisory Committee (RAC) provides advice on radiation protection, radiation science, and radiation risk assessment. The SAB Staff Office is seeking nominations of experts to serve on the RAC with demonstrated expertise in the following disciplines: Fate and transport of radionuclides; radiation carcinogenesis; radiation exposure; radiation worker health and safety; radiological emergency response; radiological risk assessment; and radon exposure. For further information about the RAC membership appointment process and schedule, please contact Mr. Edward Hanlon, DFO, by telephone at 202–564–2134 or by email at *hanlon.edward@epa.gov.*

Selection Criteria for the CASAC, SAB and Four SAB Committees Includes:

—Demonstrated scientific credentials and disciplinary expertise in relevant fields;

—Willingness to commit time to the committee and demonstrated ability to work constructively and effectively on committees;

—Background and experiences that would help members contribute to the diversity of perspectives on the committee, e.g., geographic, economic, social, cultural, educational backgrounds, professional affiliations; and other considerations; and

—For the committee as a whole, consideration of the collective breadth and depth of scientific expertise; and a balance of scientific perspectives.

As these committees undertake specific advisory activities, the SAB Staff Office will consider two additional criteria for each new activity: absence of financial conflicts of interest and absence of an appearance of a loss of impartiality.

How to Submit Nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to these advisory committees. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) following the instructions for ''Nominating Experts for Annual Membership'' provided on the SAB Web site. The form can be accessed through the ''Nomination of Experts'' link on the blue navigational bar on the SAB Web site at *http://www.epa.gov/sab.* To be considered, all nominations should include the information requested. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

Nominators are asked to identify the specific committee for which nominees are to be considered. The following information should be provided on the nomination form: contact information for the person making the nomination; contact information for the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's *curriculum vitae;* a biographical sketch of the nominee indicating current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. To help the agency evaluate the effectiveness of its outreach efforts, please indicate how you learned of this nomination opportunity. Persons having questions about the nomination process or the public comment process described below, or who are unable to submit nominations through the SAB Web site, should contact the Designated Federal Officer for the committee, as identified above. The DFO will acknowledge receipt of nominations and in that acknowledgement will invite the nominee to provide any additional information that the nominee feels would be useful in considering the nomination, such as: Availability to participate as a member of the committee; how the nominee's background, skills and experience would contribute to the diversity of the committee; and any questions the nominee has regarding membership. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be posted in a List of Candidates on the SAB Web site at *http://www.epa.gov/sab*. Public comments on this List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

Candidates invited to serve will be asked to submit the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows EPA to determine whether there is a statutory conflict between that person's public responsibilities as a Special Government Employee and private interests and activities, or the appearance of a loss of impartiality, as defined by Federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the blue navigational bar on the SAB Web site at *http://www.epa.gov/sab.*

Dated: April 14, 2014.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2014–08923 Filed 4–17–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

Notice of Open Special Meeting of the Sub-Saharan Africa Advisory Committee (SAAC) of the Export-Import Bank of the United States (Export-Import Bank)

SUMMARY: The Sub-Saharan Africa Advisory Committee was established by Public Law 105–121, November 26, 1997, to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion of the Bank's financial commitments in Sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank. Further, the committee shall make recommendations on how the Bank can facilitate greater support by U.S. commercial banks for trade with Sub-Saharan Africa.

DATES: *Time and Place:* Wednesday, April 30, 2014 at 11:00 a.m. to 3:00 p.m. The meeting will be held at the Export-Import Bank in Room 326, 811 Vermont Avenue NW., Washington, DC 20571.

Agenda: Agenda items include a briefing for new 2014 Sub-Saharan Africa Advisory Committee members regarding bank programs in Africa and an ethics overview.

Public Participation: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to April 28, 2014, Richard Thelen, 811 Vermont Avenue NW., Washington, DC 20571, Email: *richard.thelen@exim.gov* or TDD (202) 565–3377.

FOR FURTHER INFORMATION CONTACT: For further information, contact Richard Thelen, 811 Vermont Avenue NW., Washington, DC 20571, via email at: *richard.thelen@exim.gov.*

Cristopolis A. Dieguez,

Management and Program Analyst, Office of the Chief Financial Officer.

[FR Doc. 2014–08873 Filed 4–17–14; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 11–42; DA 14–450]

Wireline Competition Bureau Announces Release of Final Lifeline Biennial Audit Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Wireline Competition Bureau (Bureau) in conjunction with the Office of Managing Director (OMD), developed standard procedures for independent biennial audits of eligible telecommunications carriers (ETCs). By establishing uniform audit procedures to review the internal controls and processes of Lifeline service providers, the Bureau and OMD are implementing another major reform established by the Commission to protect the federal universal service fund from waste, fraud and abuse.

DATES: Effective April 18, 2014.

FOR FURTHER INFORMATION CONTACT: Garnet Hanly, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418–0995 or TTY (202) 418–0484; or Thomas Buckley, Office of the Managing Director, at (202) 418–0725.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Wireline Competition Bureau's Public Notice in WC Docket No. 11–42; DA 14–450, released April 2, 2014. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at *http://www.bcpiweb.com.* It is also available on the Commission's Web site at *http://www.fcc.gov/document/release-final-lifeline-biennial-audit-plan-announced.*

I. Introduction

1. By this document, the Wireline Competition Bureau (Bureau) announces release of the final Lifeline Biennial Audit Plan, attached hereto as Attachment 3 (Audit Plan). In the *Lifeline Reform Order,* the Commission directed the Bureau, in conjunction with the Office of Managing Director (OMD), to develop standard procedures for independent biennial audits of eligible telecommunications carriers (ETCs) receiving $5 million or more annually from the low-income universal service support program. By establishing uniform audit procedures to review the internal controls and processes of Lifeline service providers, the Bureau and OMD are implementing another major reform established by the Commission to protect the federal universal service fund from waste, fraud and abuse. The appendices to the Biennial Audit Plan are available for public inspection at *http://www.fcc.gov/document/release-final-lifeline-biennial-audit-plan-announced* and FCC Headquarters at 445 12th Street SW., Washington, DC 20554.

2. The independent audit firms conducting these biennial audits must plan their engagements by using the approved procedures outlined in the final Audit Plan. The independent audit firms must be licensed, certified public accounting firms and must conduct the audits consistent with Generally Accepted Government Auditing Standards (GAGAS). The audits shall be performed as agreed-upon procedures (AUP) attestations. In addition, to ensure compliance with the Commission's Lifeline requirements, the Universal Service Administrative Company (USAC) will conduct training for independent auditors performing the AUP engagements to ensure that the audits are performed in accordance with the Audit Plan. The independent auditors will be required to collect from the ETCs specific documents and completed questionnaires, which the independent auditors will inspect before conducting fieldwork testing and then preparing attestation reports.

3. ETCs receiving $5 million or more from the low-income program, as determined on a holding company basis taking into account all operating companies and affiliates, for calendar year 2013 will be subject to the first round of biennial audits. A list of ETCs subject to this requirement is attached hereto as Attachment 2. As detailed in the Audit Plan, the final attestation report for each audit must be submitted within one year after release of the final Audit Plan, which is *April 2, 2015* for the first biennial audit.

II. Discussion

A. Changes to Audit Plan

4. In order to promote clarity, transparency and predictability in the Lifeline program, the Bureau, in conjunction with OMD, released a public notice seeking comment on the proposed Lifeline Biennial Audit Plan. The Bureau received several comments addressing the proposed Lifeline Biennial Audit Plan. In response to comments, the Bureau and OMD hereby revise the Audit Plan in certain parts. Specifically, we make the following revisions to the Audit Plan:

5. Audit Period: The audit period has been revised to cover the period of January 1 through December 31.

Commenters raised concern that the independent audits would cover activities that occurred outside of the proposed period of November 1 through April 30, so we adjusted the period to cover the entire calendar year. The first biennial audits will cover calendar year 2013.

6. Submission of Attestation Reports: To ensure that ETCs have a reasonable period of time to submit comments in response to the draft attestation reports, the Audit Plan has been revised to state that ETCs have 30 days to submit comments in response to the draft report. The final Audit Plan also clarifies when the fieldwork is deemed complete (i.e., when the audit results are presented to the ETC). Consistent with the *Lifeline Reform Order,* final reports must be provided by covered ETCs to the Commission, USAC, and relevant state and Tribal governments. For the audits conducted in 2014, the final report will be filed no later than April 2, 2015.

7. Confidentiality of ETCs' Information: To ensure that all of an ETC's work papers and communications between the independent auditor and the ETC remain confidential, the Audit Plan specifies that such communications can be maintained as confidential. The Audit Plan is also revised to clarify that the Commission will accept requests for confidential treatment of a draft audit report. Whether a draft report is, in fact, protected from disclosure will depend on the Commission's analysis if and when access to such information is sought. However, all final reports are considered public information. In adopting the biennial audit requirements, the Commission, when describing the process for submission of final reports, specifically states that ''[t]hese audit reports will not be considered confidential and requests to render them so will be denied.'' To maintain transparency in the program, the Audit Plan requires all final audit reports to be publicly available. Enabling public access to this information promotes the public interest of providing greater transparency into oversight of the Lifeline program.

8. Subscriber Data for Testing: The Audit Plan includes procedures to require the auditor to use a sampling of subscriber data (Subscriber List) to test compliance in key areas. Based on concerns raised by commenters that the sample was too broad, we have revised the Subscriber List requirement to cover Lifeline subscribers served by the ETC in three states or territories for one month. Specifically, the independent auditor shall randomly select one of the three states or territories where the ETC received the largest amount of Lifeline support and two additional states or territories randomly selected by the independent auditor. In the event the ETC did not receive Lifeline support in at least 3 states or territories, the auditor shall select all of the states or territories where the ETC received Lifeline support during the audit period. In addition, the Audit Plan has been revised to exclude subscribers from the Subscriber List in those states or jurisdictions where the state, or a state administrator, is responsible for obtaining the Lifeline certification forms and performs the annual recertification.

1. Fieldwork Testing Procedures, Objective I Procedures

9. Review of Marketing Materials. To address commenters concerns that ETCs might not have ten (10) different examples of marketing materials, we have modified the Audit Plan to require those ETCs that have less than ten (10) different marketing materials to submit as many as it uses to advertise the ETC's Lifeline service plan.

10. Customer Care for Lifeline Service. Based, in part, on concerns raised by commenters, the Audit Plan has been revised to require auditors to review recorded calls involving Lifeline service as opposed to requiring the auditor to monitor incoming calls to telephone number(s) used as customer care for Lifeline service. This change was made because many ETCs use such customer care telephone number(s) for non-Lifeline services.

11. Non-Usage Requirement. We have added a procedure to ensure that the auditor performs a thorough review of the ETCs' compliance with the Commission's non-usage rules. Specifically, we have revised the Audit Plan to require that the carrier explain how it monitors and identifies subscribers with no monthly fee who have not used the service for a certain period of time.

2. Fieldwork Testing Procedures, Objective II

12. Testing of One-Per-Household Rule. Given the implementation of the National Lifeline Accountability Database (NLAD) as a measure to detect and prevent duplicate support in the Lifeline program and consistent with information noted in the record, we have revised this objective to remove the procedure to check for duplicate addresses. The auditor, however, is still required to check for the existence of one-per-household worksheets in instances where multiple recipients of Lifeline service reside at the same address. The Audit Plan also clarifies that even if subscribers enrolled in the program prior to June 2012, the effective date of the one-per-household requirement, at least one subscriber at that address is still required to complete a one-per-household worksheet.

3. Fieldwork Testing Procedures, Objective III

13. The Audit Plan has been revised to require the auditor to review the ETC's procedures on how the ETC's employees and agents are trained on the use of and interaction with the NLAD, because all ETCs are required to use the NLAD to confirm that a consumer is not already enrolled in the program.

4. Fieldwork Testing Procedures, Objective IV

14. To reduce the burden on the ETCs, the Audit Plan has been revised to limit the sample for testing each ETC's recertification process. The Audit Plan now requires testing of a sample of three states or territories. The independent auditor shall randomly select one of the three states or territories where the ETC received the largest amount of Lifeline support and two additional states or territories randomly selected by the independent auditor. Several commenters asked that the sampling for the FCC Form 555 be modified to limit a sample to a smaller subset of SACs rather than all SACs served by the ETC, and we agree that we can meet our auditing goals with the smaller sample. We have also clarified that the FCC Form 555 filed by ETCs the January following the audit period is the form subject to each biennial audit. As such, the FCC Form 555 subject to the first biennial audits is the one filed in January 2014.

5. Appendix A, Requested Documentation

15. Scope of Sample. As discussed in the *Subscriber Data for Testing* section above, to address concerns raised by commenters, we have revised the sample size to provide a more measured target of the number of subscribers that could be included in the Subscriber List. Additionally, we have revised the subscriber samples to test whether the ETC's procedures for implementing the recertification process and non-usage requirements are effective.

16. State-Specific Requirements. In the event there are state-specific requirements that are more restrictive than the Commission's requirements described in Appendix F, the Audit Plan has been revised to require the ETC to provide such state requirements to the independent auditor. This would

allow the independent auditors to understand such differences between Commission and state requirements.

6. Appendix B, Background Questionnaire

17. We have revised Appendix B of the Audit Plan to require ETCs to only list the company's supervisors if there are more than ten individuals responsible for determining eligibility and recertification of Lifeline subscribers.

7. Appendix C, Internal Control Questionnaire

18. Recognizing that ETCs may have multiple individuals who would complete the Internal Control Questionnaire, we have revised this appendix to delete the requirement that only one individual from each company is required to complete the questionnaire. Additionally, the appendix has been revised to clarify or remove certain questions deemed unnecessary for the purpose of this audit. These revisions also include the addition of questions relating to the ETC's use of the NLAD.

8. Appendix F, Compliance Requirements

19. The Audit Plan has been revised to remove the appendix titled ''Requested Documentation: USAC Management'' as it is no longer necessary based on other revisions.

III. Procedual Matters

A. Paperwork Reduction Act

20. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

B. Final Regulatory Flexibility Analysis

21. As Required by the Regulatory Flexibility Act if 1980, as amended (RFA), the Wireline Competition Bureau (Bureau), in conjunction with the Office of Managing Director (OMD), prepared an Initial Regulatory Flexibility Analysis (IRFA) incorporated in the Public Notice on the Proposed Lifeline Biennial Audit Plan. The Bureau, in conjunction with OMD, sought written public comment on the proposed Audit Plan, including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

a. Need for, and Objectives of, the Lifeline Biennial Audit Plan

22. This document sets forth the standard procedures for independent biennial audits of carriers drawing $5 million or more annually from the low-income universal service support program.

b. Legal Basis

23. The Public Notice, including publication of proposed procedures, is authorized under Sections 1, 2, 4(i) through (j), 201(b), 254, 257, 303(r), and 503 of the Communications Act of 1934, as amended, and Section 706 of the Telecommunications Act of 1996, as amended.

c. Description and Estimate of the Number of Small Entities to Which the Proposed Biennial Audit Plan Will Apply

24. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed Biennial Audit Plan. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Nationwide, there are a total of approximately 29.6 million small businesses, according to the SBA. A ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2002, there were approximately 1.6 million small organizations. The term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2002 indicate that there were 87,525 local governmental jurisdictions in the United States. We estimate that, of this total, 84,377 entities were ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

Federal Communications Commission.

Kimberly A. Scardino,

Chief, Telecommunications Access Policy Division, Wireline Competition Bureau.

[FR Doc. 2014–08906 Filed 4–17–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), pursuant to 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR part 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 17, 2014.

ADDRESSES: You may submit comments, identified by *FR 4021, Reg F, FR 4025, CFPB Regulation G (12 CFR 1007), Reg H–3, or* FR HMDA–LAR by any of the following methods:

- Agency Web site: *http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- FAX: (202) 452–3819 or (202) 452–3102.
- Mail: Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Acting Clearance Officer—John Schmidt—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following information collections:

1. Report title: Notification of Nonfinancial Data Processing Activities.

Agency form numbers: FR 4021.

OMB control number: 7100–0306.

Frequency: On occasion.

Reporters: Bank holding companies.

Estimated annual reporting hours: 4 hours.

Estimated average hours per response: 2 hours.

Number of respondents: 2.

General description of report: This information collection is required to obtain a benefit. (12 U.S.C. 1843(c)(8), (j) and (k)) and may be given confidential treatment upon request (5 U.S.C. 552(b)(4)).

Abstract: Bank holding companies submit this notification to request permission to administer the 49-percent revenue limit on nonfinancial data processing activities on a business-line or multiple-entity basis. A request may be filed in a letter form; there is no reporting form for this information collection.

2. Report title: Recordkeeping Requirements Associated with Limitations on Interbank Liabilities.

Agency form number: Regulation F.

OMB control number: 7100–0331.

Frequency: On occasion.

Reporters: State member banks.

Estimated annual reporting hours: 6,672 hours.

Estimated average time per response: 8 hours.

Number of respondents: 834.

General description of report: This information collection is mandatory pursuant to section 23 of the Federal Reserve Act, as added by section 308 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) (12 U.S.C. 371b–2). Because the Federal Reserve does not collect any information, no issue of confidentiality normally arises. However, if a compliance program becomes a Federal Reserve record during an examination, the information may be protected from disclosure under exemptions (b)(4) and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (b)(8)).

Abstract: Section 206.3 of Regulation F requires insured depository institutions to establish and maintain policies and procedures designed to prevent excessive exposure to correspondents in order to limit the risks that the failure of a depository institution would pose to insured depository institutions. The Federal Reserve accounts for the paperwork burden on state member banks for Regulation F compliance.

3. Report title: Recordkeeping and Disclosure Requirements Associated with Regulation R.

Agency form number: FR 4025.

OMB control number: 7100–0316.

Frequency: On occasion.

Reporters: Commercial banks and savings associations.

Estimated annual reporting hours: Section 701, disclosures to customers: 12,500 hours; Section 701, disclosures to brokers: 375 hours; Section 723, recordkeeping; 188 hours; Section 741, disclosures to customers: 62,500 hours.

Estimated average time per response: Section 701, disclosures to customers: 5 minutes; Section 701, disclosures to brokers: 15 minutes; Section 723, recordkeeping: 15 minutes; Section 741, disclosures to customers: 5 minutes.

Number of respondents: Section 701, disclosures to customers: 1,500; Section 701, disclosures to brokers: 1,500; Section 723, recordkeeping: 75; Section 741, disclosures to customers: 750.

General description of report: This information collection is required to obtain a benefit pursuant to section 3(a)(4)(F) of the Exchange Act (15 U.S.C. 78c(a)(4)(F)) and may be given confidential treatment under the authority of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (b)(8)).

Abstract: Regulation R implements certain exceptions for banks from the definition of broker under Section 3(a)(4) of the Securities Exchange Act of 1934, as amended by the Gramm-Leach-Bliley Act. Sections 701, 723, and 741 of Regulation R contain information collection requirements. Section 701 requires banks that wish to utilize the exemption in that section to make certain disclosures to the high net worth customer or institutional customer. In addition, section 701 requires banks that wish to utilize the exemption in that section to provide a notice to its broker-dealer partner regarding names and other identifying information about bank employees. Section 723 requires a bank that chooses to rely on the

exemption in that section to exclude certain trust or fiduciary accounts in determining its compliance with the chiefly compensated test in section 721 to maintain certain records relating to the excluded accounts. Section 741 requires a bank relying on the exemption provided by that section to provide customers with a prospectus for the money market fund securities, not later than the time the customer authorizes the bank to effect the transaction in such securities, if the class of series of securities are not no-load.

4. Report title: Registration of Mortgage Loan Originators.

Agency form number: CFPB Regulation G (12 CFR 1007).

OMB control number: 7100–0328.

Frequency: Annually.

Reporters: Employees of state member banks, certain subsidiaries of state member banks, branches and agencies of foreign banks that are regulated by the Federal Reserve, and commercial lending companies of foreign banks who act as residential mortgage loan originators (MLOs).

Estimated annual reporting hours: MLOs *(new)* Initial set up and disclosure; 938 hours; MLOs *(existing)* Maintenance and disclosure: 16,255 hours; MLOs *(existing)* Updates for changes: 2,391 hours; Depository Institutions and subsidiaries: 90,388 hours.

Estimated average time per response: MLOs *(new)* Initial set up and disclosure: 3.50 hours; MLOs *(existing)* Maintenance and disclosure: .85 hours; MLOs *(existing)* Updates for changes: .25 hour; Depository Institutions and subsidiaries: 118 hours.

Number of respondents: MLOs *(new)* Initial set up and disclosure: 268; MLOs *(existing)* Maintenance and disclosure: 19,124; MLOs *(existing)* Updates for changes: 9,562; Depository Institutions, and subsidiaries: 766.

General description of report: Section 1507 of the Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act), 12 U.S.C. 5106, requires that the Consumer Financial Protection Bureau (CFPB) develop and maintain a system for registering individual MLOs of covered financial institutions supervised directly by the Bureau or regulated by a federal banking agency with the Nationwide Mortgage Licensing System and Registry. Section 1504 of the S.A.F.E. Act, 12 U.S.C. 5103, requires that an individual desiring to engage in the business of a loan originator maintain an annual federal registration (or be licensed by an equivalent state regulatory scheme) and appear on the Registry with a unique identifier. Section 1007.103 of Regulation G implements this registration scheme on behalf of the Bureau, and Section 1007.105 of Regulation G requires that covered financial institutions provide the unique identifiers of MLOs to consumers. 12 CFR 1007.103,–.105. This information collection is mandatory.

The unique identifier of MLOs must be made public and is not considered confidential. In addition, most of the information that MLOs submit in order to register with the Nationwide Mortgage Licensing System and Registry will be publicly available. However, certain identifying data on individuals who act as MLOs are entitled to confidential treatment under (b)(6) of the Freedom of Information Act (FOIA), which protects from disclosure information that ''would constitute a clearly unwarranted invasion of personal privacy.'' 5 U.S.C. 552(b)(6).

With respect to the information collection requirements imposed on depository institutions, because the requirements are that depository institutions retain their own records and make certain disclosures to customers, the FOIA would only be implicated if the Federal Reserve's examiners obtained a copy of these records as part of the examination or supervision process of a financial institution. However, records obtained in this manner are exempt from disclosure under FOIA exemption (b)(8), regarding examination-related materials. 5 U.S.C. 552(b)(8).

Abstract: On July 28, 2010, the Federal Reserve amended Regulation H to implement the Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act) with respect to its regulated entities, enacted July 30, 2008.[1] On July 21, 2011, provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) transferred certain S.A.F.E. Act responsibilities to the CFPB, including rulemaking authority for all federal depository institutions and supervisory authority for S.A.F.E. Act compliance for entities under the CFPB's jurisdiction. On December 19, 2011, the CFPB published an interim final rule establishing a new Regulation G,[2] S.A.F.E. ACT Mortgage Licensing Act—Federal Registration of Residential Mortgage Loan Originators.[3] The CFPB's rule did not impose any new substantive obligations on regulated persons or entities. The Federal Reserve retains supervisory authority for S.A.F.E. Act compliance for most Federal Reserve-supervised entities with consolidated assets of $10 billion or less.

The CFPB's Regulation G requires employees of state member banks, certain subsidiaries of state member banks, branches and agencies of foreign banks that are regulated by the Federal Reserve, and commercial lending companies of foreign banks who act as residential mortgage loan originators (MLOs) to register with the Nationwide Mortgage Licensing System and Registry (NMLSR), obtain a unique identifier, maintain this registration, and disclose to consumers upon request and through the NMLSR their unique identifier, and the MLO's employment history and publicly adjudicated disciplinary and enforcement actions. The CFPB's regulation also requires the institutions employing these MLOs to adopt and follow written policies and procedures to ensure their employees comply with these requirements and to disclose the unique identifiers of their MLOs.

5. Report title: Recordkeeping and Disclosure Requirements Associated with Securities Transactions Pursuant to Regulation H.

Agency form number: Reg H–3.

OMB control number: 7100–0196.

Frequency: On occasion.

Reporters: State member banks.

Estimated annual reporting hours: 97,869 hours.

Estimated average time per response: State member banks (de novo): recordkeeping, 40 hours.

State member banks *with* trust departments: recordkeeping, 2 hours; disclosure, 16 hours. State member banks *without* trust departments: recordkeeping, 15 minutes; disclosure, 5 hours.

Number of respondents: State member banks (de novo): 3; state member banks *with* trust departments: 228; state member banks *without* trust departments: 615.

General description of report: Regulation H requirements are authorized by Section 23 of the Securities Exchange Act of 1934 (''the 34 Act''), 15 U.S.C. 78w, which empowers the Federal Reserve to make rules and regulations implementing those portions of the 34 Act for which it is responsible. The requirements of 12 CFR 208.34(c), (d), & (g) also are impliedly authorized by Section 9 of the Federal Reserve Act, 12 U.S.C. 325, which requires state member banks to submit to examinations by the Federal Reserve System. These securities transactions requirements appear to be

[1] 75 FR 44656 (July 28, 2010). See also the revised **Federal Register** preamble at 75 FR 51623 (August 23, 2010).

[2] 12 CFR 1007.

[3] 76 FR 78483.

reasonably related to the Federal Reserve's supervisory authority with respect to the safety and soundness of state member banks.

Accordingly, the Federal Reserve is authorized by implication under 12 U.S.C. 325 to impose these recordkeeping, disclosure, and policy establishment requirements. The obligation of a state member bank to comply with the Regulation H requirements is mandatory, save for the limited exceptions set forth in 12 CFR 208.34(a).

Inasmuch as the Federal Reserve System does not collect or receive any information concerning securities transactions pursuant to these requirements, no issues of confidentiality normally will arise. If, however, these records were to come into the possession of the Federal Reserve, they may be protected from disclosure pursuant to exemption 4 of the Freedom of Information Act (''FOIA''), 5 U.S.C. 552(b)(4), under the standards set forth in *National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974), to the extent an institution can establish the potential for substantial competitive harm. They also may be subject to withholding under FOIA exemption 6, 5 U.S.C. 552(b)(6), should disclosure constitute an unwarranted invasion of personal privacy. Additionally, if such information were included in the work papers of System examiners or abstracted in System reports of examination, the information also would be protected under exemption 8 of FOIA, 5 U.S.C. 552(b)(8). Any withholding determination would be made on a case-by-case basis in response to a specific request for disclosure of the information.

Abstract: The Federal Reserve's Regulation H requires state member banks to maintain records for three years following a securities transaction. These requirements are necessary to protect the customer, to avoid or settle customer disputes, and to protect the institution against potential liability arising under the anti-fraud and insider trading provisions of the Securities Exchange Act of 1934.

6. Report title: HMDA Loan/Application Register.

Agency form number: FR HMDA–LAR.

OMB control number: 7100–0247.

Frequency: Annually.

Reporters: State member banks, subsidiaries of state member banks, subsidiaries of bank holding companies, U.S. branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.[4]

Estimated annual reporting hours: 127,652 hours.

Estimated average time per response: State member banks: 242 hours; mortgage subsidiaries: 192 hours.

Number of respondents: State member banks: 514; mortgage subsidiaries: 17.

General description of report: Section 304(j) of the Home Mortgage Disclosure Act (HMDA), which requires the Consumer Financial Protection Bureau (CFPB) to prescribe by regulation the form of a LAR that must be maintained by lending institutions, is mandatory for covered institutions. Regulation C implements this statutory provision and requires that reports be sent to the appropriate federal banking agency. HMDA requires that the LAR be made available to the public in the form prescribed by the CFPB. The CFPB is authorized to require certain deletions from the LAR information to protect the privacy of applicants and to protect depository institutions from liability under Federal or state privacy law. The deleted information is exempt from disclosure under that provision of HMDA and pursuant to Exemption 6 of the Freedom of Information Act (5 U.S.C. 552(b)(6)).

Abstract: HMDA was enacted in 1975 and is implemented by Regulation C. HMDA requires depository and certain for-profit, non-depository institutions to collect, report to regulators, and disclose to the public data about originations and purchases of home mortgage loans (home purchase and refinancing) and home improvement loans, as well as loan applications that do not result in originations (for example, applications that are denied or withdrawn). HMDA was enacted to provide the public with loan data that can be used to: (1) Help determine whether financial institutions are serving the housing needs of their communities, (2) assist public officials in distributing public-sector investments so as to attract private investment to areas where it is needed, and (3) assist in identifying possible discriminatory lending patterns and enforcing anti-discrimination statutes.[5]

[4] The CFPB supervises, among other institutions, insured depository institutions with over $10 billion in assets and their affiliates (including affiliates that are themselves depository institutions regardless of asset size and subsidiaries of such affiliates).

[5] 12 CFR 1003.1(b).

Board of Governors of the Federal Reserve System, April 14, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–08840 Filed 4–17–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 5, 2014.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Lawrence Travis Hicks,* Lawrence, Kansas; to acquire voting shares of Astra Financial Corporation, Prairie Village, Kansas, and thereby indirectly acquire voting shares of TriCentury Bank, Simpson, Kansas.

Board of Governors of the Federal Reserve System, April 15, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–08886 Filed 4–17–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2014–08456) published on page 21246 of the issue for Tuesday, April 15, 2014.

Under the Federal Reserve Bank of Kansas City heading, the entry for The *TFLH Financial Services Trust, with Frank Harrel, LaTricia Harrel, Kalee Harrel, all of Leedey, Oklahoma, and Brent Harrel, Elk City, Oklahoma, as trustees, to become part of the Harrel*

Family control group, and Brent Harrel as trustee of a voting trust agreement, is revised to read as follows:

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. The FLH Financial Services Trust, Leedey, Oklahoma; and its trustees: Frank Harrel, LaTricia Harrel, both of Leedey, Oklahoma, Brent Harrel, Elk City, Oklahoma, and Kalee Carpenter, Leedey, Oklahoma; to become part of the Harrel Family control group, and Brent Harrel as trustee of the voting agreement, to acquire voting shares of Western Oklahoma Bancshares, and thereby indirectly acquire voting shares of Bank of Western Oklahoma, both in Elk City, Oklahoma.

Comments on this application must be received by April 30, 2014.

Board of Governors of the Federal Reserve System, April 15, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–08888 Filed 4–17–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 15, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Hillister Enterprises, II, Inc.,* Umphrey II Family Limited Partnership, both of Beaumont, Texas, and CBFH, Inc., Orange, Texas; to acquire MC Bancshares, Inc., Houston, Texas, and thereby indirectly acquire Memorial City Bank, Houston, Texas.

Board of Governors of the Federal Reserve System, April 15, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–08887 Filed 4–17–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2014–0055; Sequence 1; OMB Control No. 9000–0138]

Federal Acquisition Regulation; Submission to OMB for Review; Contract Financing

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension to a previously approved information collection requirement concerning contract financing. A notice was published in the **Federal Register** at 79 FR 7453 on February 7, 2014. No comments were received.

DATES: Submit comments on or before May 19, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0138 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0138. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0138, Contract Financing''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0138, Contract Financing'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Room 4041, Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0138.

Instructions: Please submit comments only and cite Information Collection 9000–0138, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Chambers, Procurement Analyst, Contract Policy Branch, GSA, 202–501–4770 or email *Edward.chambers@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Acquisition Streamlining Act (FASA) of 1994, Public Law 103–355, provided authorities that streamlined the acquisition process and minimize burdensome Government-unique requirements. Sections 2001 and 2051 of FASA substantially changed the statutory authorities for Government financing of contracts. Sections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items, and sections 2001(b) and 2051(b) substantially revised the authority for Government financing of purchases of non-commercial items.

Sections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items. These paragraphs authorize the Government to provide contract financing with certain limitations.

Sections 2001(b) and 2051(b) also amended the authority for Government financing of non-commercial purchases by authorizing financing on the basis of certain classes of measures of performance.

To implement these changes, DOD, NASA, and GSA amended the FAR by revising Subparts 32.0, 32.1, and 32.5; by adding new Subparts 32.2 and 32.10; and by adding new clauses to 52.232.

The coverage enables the Government to provide financing to assist in the performance of contracts for commercial items and provide financing for non-commercial items based on contractor performance.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 2 hours per request for commercial financing and 2 hours per request for performance-based financing, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden for commercial financing is estimated as follows:

Respondents: 1,000.

Responses per Respondent: 5.

Total Responses: 5,000.

Hours per Response: 2.

Total Burden Hours: 10,000.

The annual reporting burden for performance-based financing is estimated as follows:

Respondents: 500.

Responses per Respondent: 12.

Total Responses: 6,000.

Hours per Response: 2.

Total Burden Hours: 12,000.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCA), 1800 F Street NW., Room 4041, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0138, Contract Financing, in all correspondence.

Dated: April 15, 2014.

Karlos Morgan,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–08843 Filed 4–17–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0822]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Intimate Partner and Sexual Violence Surveillance System (0920–0822, Expiration 06/30/2014)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The health burden of Intimate Partner Violence (IPV), Sexual Violence (SV) and stalking are substantial. In order to address this important public health problem, CDC implemented, beginning in 2010, the National Intimate Partner and Sexual Violence Surveillance System (NISVSS) that produces national and state level estimates of IPV, SV and Stalking on an annual basis.

In 2010, a total of 16,507 NISVSS interviews were conducted among English and/or Spanish speaking male and female adults (18 years and older) living in the United States. The data indicated that nearly 1 in 3 women and 1 in 10 men in the United States have experienced rape, physical violence and/or stalking by an intimate partner and reported at least one impact related to experiencing these or other forms of violent behavior within the relationship (e.g., being fearful, concerned for safety, post-traumatic stress disorder (PTSD) symptoms, need for health care, injury, contacting a crisis hotline, need for housing services, need for victim's advocate services, need for legal services, missed at least one day of work or school). Approximately 6.9 million women and 5.6 million men experienced rape, physical violence and/or stalking by an intimate partner within the last year. The health care costs associated with IPV exceed $5.8 billion each year, of which nearly $3.9 billion is for direct medical and mental health care services.

Sexual violence also has a profound and long-term impact on the physical and mental health of the victim. Existing estimates of lifetime experiences of rape range from 15% to 36% for females. Sexual violence against men, although less prevalent, is also a public health problem; approximately, 1 in 5 women and 1 in 71 men have experienced attempted, completed, or alcohol or drug facilitated rape at some point in their lifetime. Nearly 1.3 million women reported being raped in the past 12 months.

The NISVSS data indicates that approximately 5 million women and 1.4 million men in the United States were stalked in the 12 months prior to the survey. There are overlaps between stalking and other forms of violence in intimate relationships; approximately 14% of females who were stalked by an intimate partner in their lifetime also experienced physical violence by an intimate partner; while 12% of female victims experienced rape, physical violence and stalking by a current or former intimate partner in their lifetime. Furthermore, 76% of female victims of intimate partner homicides were stalked by their partners before they were killed.

CDC requests Office of Management and Budget (OMB) approval for a Revision and an additional three years to implement the previously approved pilot tested instrument of 2013 in the normal data collection cycle in order to collect national level data annually beginning in 2014. The NISVSS survey instrument had been shortened in efforts to develop a core instrument that will be administered on an annual basis. The goals of the revised data collection instrument are to: (1) Improve NISVSS

data quality, (2) increase our response rates, (3) decrease the breakoff rates, (4) reduce the average amount of time it takes to complete the survey, (5) and ultimately reduce the burden on the respondent.

In this data collection period, 85,000 households will be screened. After determining eligibility and consent, 12,500 respondents will complete the survey. The average burden per screened respondent remains at 3 minutes, while the average burden per surveyed respondent is 25 minutes. The survey will be conducted among English or Spanish speaking male and female adults (18 years and older) living in the United States.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of responses	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Households	NISVSS 2013 Test Instrument (screened)	28,333	1	3/60	1,417
	NISVSS 2013 Test Instrument (surveyed)	4,167	1	25/60	1,736
Total					3,153

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–08784 Filed 4–17–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10510, CMS–10169 and CMS–287–05]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

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

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ___, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10510 Basic Health Program Report for Health Insurance Exchange Premium

CMS–10169 Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program

CMS–287–05 Home Office Cost Statement Form

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Basic Health Program Report for Health Insurance Exchange Premium; *Use:* The Basic Health Program (BHP) is federally

funded by determining the amount of payments that the federal government would have made through the premium tax credit (PTC) and cost sharing reductions (CSR) for people enrolled in BHP had they instead been enrolled in an Exchange. To calculate the amounts for each state, we need the reference premiums for the second lowest cost silver plans (SLCSP) in each geographic area in a state, as SLCSPs are a basic unit in the calculation of PTC and CSRs under the Exchanges. To estimate what PTC and CSRs would have been paid, the reference premiums for these SLCSPs are critical components in the BHP payment methodology. Similarly, we also need to collect reference premiums for the lowest cost bronze plans to appropriately account for CSR calculations for American Indians and Alaskan Natives. Reference premiums are foundational inputs into the BHP payment methodology. We have the necessary information to determine these reference premiums for states whose Exchanges are operated by the Federally Facilitated Exchange (FFE) or are operated in partnership with the FFE. Consequently, this collection only pertains to the 17 states that are operating State Based Exchanges. *Form Number:* CMS–10510 (OCN: 0938–1218); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 17; *Total Annual Responses:* 17; *Total Annual Hours:* 68. (For policy questions regarding this collection contact Jessica Schubel at 410–786–3032.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program; *Use:* Section 302 of the MMA amended section 1847 of the Social Security Act (the Act) to require the implementation of the DMEPOS competitive bidding program. The Act provided the program requirements for the submission of bids in establishing payment rates and the awarding of contracts; provided the requirements for mergers and acquisitions; and a requirement for the Secretary to re-compete contracts not less often than once every 3 years. The MMA also requires the Secretary to recompete contracts not less often than once every 3 years. The Round 1 Rebid contract period for all product categories except mail-order diabetic supplies expired on December 31, 2013. (Round 1 Rebid contracts for mail-order diabetic testing supplies ended on December 31, 2012.) The competition for the Round 1 Recompete began in August of 2012. The Round 1 Recompete contracts and prices became effective on January 1, 2014 and will expire on December 31, 2016. Round 2 and National Mail-Order contracts and prices will expire on June 30, 2016.

The most recent approval for this information collection request (ICR) was issued by OMB on June 10, 2013. That ICR included the estimated burden to collect the information in bidding Forms A and B for the Round 1 Recompete. We are now seeking approval to collect the information in Forms A and B for competitions that will occur before 2017. For these upcoming competitions CMS will publish a slightly modified version of the RFB instructions and accompanying Forms A and B so that suppliers will be better able to identify and understand the requirements of the program. We decided to modify the Request for Bids (RFB) instructions and forms based on our experience from the last round of competition. The end result is expected to produce more complete and accurate information to evaluate suppliers. No new collection requirements have been added to the modified RFB instructions or Form A or B. Finally, we are retaining without change the Change of Ownership (CHOW) Purchaser Form and the CHOW Contract Supplier Notification Form, the Subcontracting Disclosure Form, and Forms C, and D and their associated burden under this ICR. We intend to continue use of these Forms on an ongoing basis. *Form Number:* CMS–10169 (OCN: 0938–1016); *Frequency:* Occasionally; *Affected Public:* Private Sector—Business or other for-profits and Individuals or Households; *Number of Respondents:* 49,625; *Total Annual Responses:* 39,380; *Total Annual Hours:* 235,024. (For policy questions regarding this collection contact Michael Keane at 410–786–4495.)

3. *Type of Information Collection Request:* Extension without change of a currently approved collection; Title *of Information Collection:* Home Office Cost Statement Form; *Use:* Providers of services participating in the Medicare program are required under sections 1815(a) and 1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to achieve settlement of costs for health care services rendered to Medicare beneficiaries. In addition, regulations at 42 CFR 413.17, 413.20 and 413.24 require adequate cost data and cost reports from providers on an annual basis. The home office cost statement form is filed annually by chain organizations to report costs directly related to services furnished to individual providers that are related to patient care plus an appropriate share of indirect costs. *Form Number:* CMS–287–05 (OCN: 0938–0202); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 1,686; *Total Annual Responses:* 1,686; *Total Annual Hours:* 785,676. (For policy questions regarding this collection contact Yaakov Feinstein at 410–786–5834.)

Dated: April 15, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–08898 Filed 4–17–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10509]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by May 19, 2014.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806, *OR,* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Prospective Evaluation of Evidence-Based Community Wellness and Prevention Programs; *Use:* Section 4202(b) of the Affordable Care Act (ACA) mandated that we conduct an evidence review and independent evaluation of wellness programs focusing on the following six intervention areas: chronic disease self-management, increasing physical activity, reducing obesity, improving diet and nutrition, reducing falls, and mental health management. In response to the ACA mandate, we adopted a three-phase approach to evaluate the impact of wellness programs on Medicare beneficiary health, utilization, and costs to determine whether broader Medicare beneficiary participation in wellness programs could lower future growth in Medicare spending. Phase I consisted of a comprehensive literature review and environmental scan to identify a list of wellness programs for further evaluation. Phase II involved a retrospective evaluation of 10 wellness programs in the targeted intervention areas mentioned above. The purpose of the Phase II evaluation was to use Medicare claims data to assess the 10 wellness programs' impact on Medicare beneficiary outcomes including health service utilization and medical costs. The findings in Phase II were promising in that several wellness programs demonstrated the potential to save medical costs among participating beneficiaries.

Phase III of our evaluation, of which this work is the key component, aims to round out our understanding of how wellness programs affect Medicare beneficiaries and what cost saving opportunities exist for the Medicare program. This evaluation effort will (1) describe the overall distribution of readiness to engage with wellness programs in the Medicare population, (2) better adjust for selection biases of individual programs and interventions using beneficiary level survey data, (3) evaluate program impacts on health behaviors, self-reported health outcomes, and claims-based measures of utilization and costs, and (4) better describe program implementation, operations and cost in relation to the expected benefits. The results of these analyses will be used to inform wellness and prevention activities in the future.

To achieve the goals of this project, we will be conducting a nationally representative survey of Medicare beneficiaries to assess their readiness to participate in community-based wellness programs. National estimates of Medicare beneficiary demand for wellness services and benefits will be generated from this population-based readiness national survey. In addition, we will partner with evidence-based wellness programs for the purposes of enrolling an estimated 2,000 participants per program. Surveys of program participants will be conducted to assess program impacts on health and behavior.

The 60-day **Federal Register** notice was published on November 22, 2013 (78 FR 70059). No public comments received. During recent discussions with potential wellness programs, it was determined that the earlier response rate estimate was lower than what will be achieved. Thus, the response rate was increased, and therefore the total number of completed baseline surveys was also increased. The total estimated burden associated with completing the Participant survey has been increased. In addition, results from the cognitive testing with less than nine Medicare beneficiaries suggested that clarification for several items would also be beneficial. Questions have been added and deleted from the surveys. These clarifications have been made throughout the surveys in response to this feedback and documented in Part A, Attachment 5. *Form Number:* CMS–10509 (OCN: 0938–NEW); *Frequency:* Semi-annually; *Affected Public:* Individuals and households; *Number of Respondents:* 49,017; *Total Annual Responses:* 49,017; *Total Annual Hours:* 20,237. (For policy questions regarding this collection contact Benjamin Howell at 410–786–4942.)

Dated: April 15, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–08897 Filed 4–17–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Practitioner Data Bank: Change in User Fees

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice

SUMMARY: The Health Resources and Services Administration, Department of Health and Human Services, is announcing a decrease in user fees charged to individuals and entities authorized to request information from the National Practitioner Data Bank (NPDB). The new fee will be $3.00 for both continuous and one-time queries and $5.00 for self-queries.

SUPPLEMENTARY INFORMATION: The current fee structure ($3.25/continuous query enrollment, $4.75/one-time query, and $8.00/self-query) was last announced in the **Federal Register** on March 10, 2006 (71 FR 12367), and became effective on May 9, 2006. One-time queries, continuous query

enrollments, and self-queries are submitted and query responses are received through the NPDB's secure Web site. Fees are paid via electronic funds transfer, debit card, or credit card.

The NPDB is authorized by the Health Care Quality Improvement Act of 1986 (the Act), Title IV of Public Law 99–660, as amended (42 U.S.C. 11101 *et seq.*). Further, two additional statutes expanded the scope of the NPDB—Section 1921 of the Social Security Act, as amended (42 U.S.C. 1396r–2) and Section 1128E of the Social Security Act, as amended (42 U.S.C. 1320a–7e). Information collected under the Section 1128E authority was consolidated within the NPDB pursuant to Section 6403 of the Patient Protection and Affordable Care Act, Public Law 111–148; this consolidation became effective on May 6, 2013.

42 U.S.C. 11137(b)(4), 42 U.S.C. 1396r–2(e), and 42 U.S.C. 1320a–7e(d) authorize the establishment of fees for the costs of processing requests for disclosure of such information. Final regulations at 45 CFR Part 60 set forth the criteria and procedures for information to be reported to and disclosed by the NPDB. In determining any changes in the amount of user fees, the Department uses the criteria set forth in section 60.19(b) of the regulations, as well as allowable costs pursuant to Public Law 113–76. Section 60.19(b) states: ''The amount of each fee will be determined based on the following criteria: (1) Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement, (2) Physical overhead, consulting, and other indirect costs (including materials and supplies, utilities, insurance, travel, and rent and depreciation on land, buildings, and equipment), (3) Agency management and supervisory costs, (4) Costs of enforcement, research, and establishment of regulations and guidance, (5) Use of electronic data processing equipment to collect and maintain information—the actual cost of the service, including computer search time, runs and printouts, and (6) Any other direct or indirect costs related to the provision of services.''

The Department will continue to review the user fees periodically as required by Office of Management and Budget Circular Number A–25, and will revise fees as necessary. Any future changes in user fees and their effective dates will be announced in the **Federal Register**. This change will be effective October 1, 2014.

FOR FURTHER INFORMATION CONTACT: Director, Division of Practitioner Data Banks, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, 5600 Fishers Lane, Room 8–103, Rockville, Maryland 20857; telephone number: (301) 443–2300.

Dated: April 10, 2014.

Mary Wakefield,

Administrator.

[FR Doc. 2014–08830 Filed 4–17–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Prospective Grant of Exclusive Trademark/Service Mark License for Best Bones Forever! Campaign Marks

AGENCY: Office on Women's Health, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services .

ACTION: Notice.

SUMMARY: Pursuant to 42 U.S.C. 300u, notice is given that the Office on Women's Health (OWH) is soliciting proposals from entities and organizations for the opportunity to exclusively license the trademarks and service marks which are critical to communicating the messages of the *Best Bones Forever!* public health awareness campaign.

DATES: Representatives of eligible organizations should submit expressions of interest no later than 6:00 p.m. e.s.t. on June 17, 2014.

ADDRESSES: Expressions of interest may be directed electronically to *ann.abercrombie@hhs.gov* or mailed to the Office on Women's Health, Office of the Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Avenue SW., Room 719E, Washington, DC 20201. Attention Ann Abercrombie.

FOR FURTHER INFORMATION CONTACT: Questions may be directed to Ann Abercrombie, program manager for womenshealth.gov and girlshealth.gov, Office on Women's Health, 200 Independence Avenue SW., Room 719E, Washington, DC 20201. Email: *Ann.Abercrombie@hhs.gov*.

SUPPLEMENTARY INFORMATION: OWH launched the *Best Bones Forever!* campaign in 2009 with the goal of improving bone health among adolescent girls by encouraging them to increase their calcium and vitamin D consumption and physical activity. After four successful years, OWH has made the strategic decision to bring their involvement in the *Best Bones Forever!* campaign to a close. OWH is looking for one organization to continue the campaign by promoting campaign messages nationally through an exclusive license to the campaign marks. Below are preferred qualifications for the exclusive licensee:

- National reach;
- established presence as a leader in bone health in communities around the United States;
- mission related to improving bone health among the public;
- previous involvement in the *Best Bones Forever!* Campaign;
- access to subject matter experts in osteoporosis and bone health; and
- experience leading public awareness campaigns.

Expressions of interest should outline eligibility in response to the qualifications bulleted above and be no more than two pages in length.

The OWH will grant one organization an exclusive U.S. license to use the marks below, as registered, in consideration for that organization's continuation of *the Best Bones Forever!* public health awareness campaign. No sublicensing will be permitted.

Registered Marks

BEST BONES FOREVER!, USPTO Reg. No. 3,911,698;
Exskullmation Point Design (Logo), USPTO Reg. No. 3,923,702; and
BEST BONES FOREVER! (Composite Logo Mark), USPTO Reg. No. 3,948,360.

Dated: April 10, 2014.

Nancy C. Lee,

Deputy Assistant Secretary for Health—Women's Health, Director, Office on Women's Health.

[FR Doc. 2014–08831 Filed 4–17–14; 8:45 am]

BILLING CODE 4150–42–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed; 60-Day Comment Request; Evaluations of the Clinical Courses Developed by the National Institutes of Health Centers of Excellence in Pain Education

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute on Drug Abuse (NIDA), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project contact: Dr. David Thomas, Director of the NIH Centers of Excellence in Pain Education Program, National Institute on Drug Abuse, 6001 Executive Blvd., Room 3165, Rockville, MD 20852, or call non-toll free number (301) 435–1313, or Email your request, including your address to: *dthomas1@nida.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

DATES: *Comments Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Proposed Collection: Evaluations of the Clinical Courses Developed at the National Institutes of Health Centers of Excellence in Pain Education, 0925-New, National Institute on Drug Abuse (NIDA), National Institutes of Health (NIH).

Need and Use of Information Collection: The NIH Centers on Pain Education were funded to develop clinical training courses for pain management curricula that will advance the assessment, diagnosis, and safe treatment of a wide variety of pain conditions while minimizing the abuse of opioid pain relievers. These courses have been developed and assessed for feasibility, reliability, content validity, at their respective Centers. They need to be assessed for effectiveness in teaching and learning, to make improvements to them, before they are made available for the public. Course development was conducted independently by each Center, and followed the policies and practices of the teaching institutions, and the emphases that each institution may place on training. Each Center will need information collection instruments tailored to its specific courses, therefore a generic clearance is requested. Different methods of assessment will be used.

Data collection methods to be used in these studies include multiple choice questions pre- and post-training for each learner group; Information collected from patient charts (of patients treated by learners after training); Reflective essays from students on effect of training on their knowledge; Post Test questionnaires and interviews of learners, and or instructors, to examine satisfaction with quality of content, quality of instructional methods, usability; Invited expert review, formal peer review; Questionnaires at workshops on quality of content, quality of educational methods, usability of technology; Telephone and in-person surveys; Focus groups and individual in-depth unstructured interviews. The results from the evaluations will be used to (1) improve the courses; (2) identify the best courses and platforms for teaching pain management to various care providers; and for the subsequent evaluation of the overall Program that the NIH will conduct to assess its impact.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2200.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name (data collection activity)	Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
In-person and electronic surveys pre-test.	Adults trained in the courses	2400	1	15/60	600
In-person and electronic surveys post-test.	Adults trained in the courses	2400	1	15/60	600
Reflective essays	Adults trained in the courses	200	1	1	200
Electronic surveys—second post-test	Adults trained in the courses	1200	1	15/60	300
Focus Groups and Individual in-depth interviews.	Adults	200	1	2	400
Telephone surveys Practitioners using the e-curricula resources.	Adults	200	1	30/60	100

Dated: April 11, 2014.

Glenda J. Conroy,

Executive Officer (OM Director), NIDA, NIH.

[FR Doc. 2014–08907 Filed 4–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office

of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Compositions for Modification of Genomic DNA and Exogenous Gene Expression

Description of Technology: A novel method of targeted insertion of transgenes at CLYBL locus directly in human cells is disclosed. Also, methods and compositions for increasing targeted insertion of a transgene into a specific location within the cell or increasing the frequency of gene modification in a targeted locus are disclosed. Genome modification by precise gene targeting at specific sequence/locus has great advantages over conventional transient expression or random integration methodologies and, therefore, has tremendous therapeutic potential. NIH investigators identified CLYBL gene in Chromosome 13 as a potential safe harbor locus. To directly target CLYBL safe-harbor in human cells without pre-engineering, they identified a unique transcription activator-like effector nuclease (TALEN) target sequence at CLYBL locus. The CLYBL TALENs (also termed as C13 TALENs) constructed using pZT backbone showed high gene editing efficiency in human 293T cells measured by both T7E1 mismatch assay and targeted sequencing. The inventors have used TALENs to simultaneously knock-in multiple reporter genes at up to four alleles of PPP1R12C/AAVS1 and new CLYBL safe-harbors in human induced pluripotent stem cells (iPSCs) and neural stem cells (NSCs). The engineered safe-harbor knock-in cell lines maintain robust transgene expression during iPSC/NSC self-renewal and differentiation, and CLYBL locus allowed 10-fold stronger transgene expression than other loci. NSC lines engineered by this methodology as well as constructs and protocols for evaluation are also available.

Potential Commercial Applications:

- Human stem cell-based gene therapy.
- Drug screening.

Competitive Advantages: CLYBL safe harbor on Chromosome 13 allows 5~10-fold stronger transgene expression than AAVS1 safe harbor, providing an alternative and potentially better solution for targeted gene transfer/knock-in and drug-screening, especially for weak promoter-driven transgenes.

Development Stage:

- Early-stage.
- In vitro data available.

Inventors: Jizhong Zou and Mahendra S. Rao (NIAMS).

Intellectual Property: HHS Reference No. E–763–2013/0–US–01—US. Application No. 61/905,002 filed 15 Nov 2013.

Related Technology: HHS Reference No. E–762–2013/0–US–01—US. Application No. 61/904,999 filed 15 Nov 2013.

Licensing Contact: Sury Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov*.

Engineering Neural Stem Cells Using Homologous Recombination

Description of Technology: Methods for modifying the genome of a Neural Stem Cell (NSC) are disclosed. Also, methods for differentiating NSCs into neurons and glia are described. NSCs are multipotent, self-renewing cells found in the central nervous system, capable of differentiating into neurons and glia. NSCs can be generated efficiently from pluripotent stem cells (PSCs) and have the capacity to differentiate into any neuronal or glial cell type of the central nervous system. Improvements in genome engineering of NSCs can potentially facilitate cellular replacement therapies for the treatment of neurodegenerative disorders. Recently, NIH investigators have developed a procedure to efficiently engineer NSCs through homologous recombination by introducing TAL effector nucleases (TALENs) and donor vectors. They have designed TALENs that efficiently generate double stranded breaks at two safe harbor loci (AAVS1 and CLYBL). These TALENs facilitate homologous recombination without silencing at these loci. The TALENs were delivered along with a DNA donor vector with a ubiquitous promoter driving expression of a cDNA using a nucleofector to get high transfection efficiencies. NSCs modified in this manner have therapeutic potential in treating neurodegenerative diseases. NSC lines engineered by this methodology as well as constructs and protocols for evaluation are also available.

Potential Commercial Applications: Cellular replacement therapies for neurodegenerative disorders.

Competitive Advantages:

- The novel methods provide highly pure engineered NSC populations which maintain the capacity to self-renew and differentiate to neurons and astrocytes suitable for cell replacement therapies.
- Safe harbor TALEN-mediated homologous recombination is a high-efficiency method to generate targeted mini-gene transfer or reporter knock-in cell lines in both human iPSCs and NSCs.

Development Stage:

- Early-stage.
- In vitro data available.

Inventors: Nasir S. Malik, Mahendra S. Rao, Jizhong Zou, Raymond Funahashi (all of NIAMS).

Intellectual Property: HHS Reference No. E–762–2013/0–US–01—US. Application No. 61/904,999 filed 15 Nov 2013.

Related Technology: HHS Reference No. E–763–2013/0–US–01—US. Application No. 61/905,002 filed 15 Nov 2013.

Licensing Contact: Sury Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov*.

Role of Novel Hepatitis Delta Virus Variant in Sjögren's Syndrome

Description of Technology: Sjögren's is a chronic autoimmune disease characterized by dry mouth and eyes, fatigue, and musculoskeletal pain resulting from the attack of the moisture-producing glands by the body's own white blood cells. The subject invention is based on the discovery of an association between infection by a novel clade 1 variant of hepatitis delta virus (HDV) and primary Sjögren's syndrome. The association was made after detection of the HDV nucleic acid in the salivary glands of patients diagnosed with Sjögren's syndrome and *in vivo* studies in mice that developed Sjögren's syndrome-like pathogenesis after expression of HDV antigen. The discovery of this link opens the possibilities for developing diagnostics against HDV to determine who are at risk for developing Sjögren's syndrome. The novel HDV variant can also serve as a potential therapeutic target for preventing or treating Sjögren's.

Potential Commercial Applications:

- Diagnostic for novel HDV clade 1 variant as a risk factor for developing Sjögren's.
- Therapeutics against this newly discovered HDV clade 1 variant for prevention and/or treatment of Sjögren's syndrome.

Competitive Advantages:

- Novel diagnostic for a potentially significant risk factor in developing Sjögren's syndrome.
- Newly discovered potential targets for treatment of Sjögren's.

Development Stage:

- Early-stage.
- In vitro data available.
- In vivo data available (animal).

Inventors: Melodie L. Weller and John Chiorini (NIDCR).

Intellectual Property: HHS Reference No. E–736–2013/0—US Provisional. Application No. 61/888,706 filed 09 Oct 2013.

Licensing Contact: Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov*.

Collaborative Research Opportunity: The National Institute of Dental and Craniofacial Research is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Role of Novel Hepatitis Delta Virus Variant. For collaboration opportunities, please contact David W. Bradley, Ph.D. at *bradleyda@nidcr.nih.gov*.

Treating or Inhibiting JC Polyomavirus Infection and JC Polyomavirus-Associated Progressive Multifocal Leukoencephalopathy

Description of Technology: Available for licensing are novel findings to generate immune response to JC polyomavirus (JCV). An immunogenic composition with a single JCV subtype VP1 polypeptide generates neutralizing antibodies to all JCV subtypes, including JCV with variant VP1 polypeptides. The invention is useful for the prevention, treatment, or inhibition of JCV infection and JCV-associated pathologies, such as progressive multifocal leukoencephalopathy (PML).

Also available for licensing are techniques for identifying a subject at risk for developing PML, based on detecting the absence of JCV neutralizing antibodies in the subject.

Potential Commercial Applications:

- Pharmaceutical treatments of JC virus infection.
- Pharmaceutical treatments or prevention of PML.
- Prediction or early diagnosis of the development of PML.

Competitive Advantages:

- Generating an immune response to all JC virus subtypes utilizing a JC virus capsid polypeptide from a single subtype.
- No known methods for identifying a subject at risk for developing PML by detecting the absence of JC virus neutralizing antibodies in the subject.

Development Stage:

- Early-stage.
- In vitro data available.
- In vivo data available (animal).
- In vivo data available (human).

Inventors: Christopher B. Buck (NCI), Upasana Ray (NCI), and Diana V. Pastrana.

Publication: Buck CB. Developing vaccines against BKV and JCV. Presentation, 5th International Conference on Polyomaviruses and Human Diseases: Basic and Clinical Perspectives, Stresa, Italy, May 9–11, 2013. Abstract published online in June 2013 in J Neurovirol. 2013;19:307. [DOI 10.1007/s13365–013–0171–0].

Intellectual Property: HHS Reference No. E–549–2013/0—US Provisional. Application No. 61/919,043 filed 20 Dec 2013.

Licensing Contact: Patrick McCue, Ph.D.; 301–435–5560; *mccuepat@mail.nih.gov*.

Collaborative Research Opportunity: The National Cancer Institute, Laboratory of Cellular Oncology, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize methods of treating JC polyomavirus-related disorders. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *hewesj@mail.nih.gov*.

Therapeutic for Sickle Cell Disease and Beta Thalassemias

Description of Technology: Sickle-cell disease and beta thalassemia are among the most common hereditary blood disorders in the world. It has been shown that patients exhibit less severe symptoms of these disorders when they produce unusually high levels of fetal hemoglobin (HbF). HbF production, which normally shuts off after birth, has been considered as a viable treatment because of inability to form hemoglobin aggregates within red blood cells responsible for painful episodes in patients. Researchers at the National Institute of Diabetes and Digestive and Kidney Diseases have identified a method of regulating the expression of fetal hemoglobin in adult red blood cells. The lead inventor and colleagues have developed novel expression vectors designed to reactivate production of HbF proteins through increased erythroid-specific expression of Lin28 or decreased expression of Let-7 micro-RNAs. This technology could lead to development of multiple types of therapeutics that ameliorate or eliminate the pathologies associated with human sickle-cell anemia and beta thalassemia.

Potential Commercial Applications: *Ex vivo* and *in vivo* therapeutics for treatment of sickle-cell anemia and beta thalassemias.

Competitive Advantages:

- Amplification of HbF expression 10-fold higher than existing methods.
- Reduced production of symptom-associated adult hemoglobin.
- Regulation of Lin28 and Let-7 expression with no immunogenic effects.
- Potential for viral and non-viral gene delivery.
- Potential for Genome Editing Therapy.

Development Stage:

- Early-stage.
- In vitro data available.
- In vivo data available (animal).

Inventors: Jeffery L. Miller (NIDDK), Yuanwei T. Lee (NIDDK), Colleen Byrnes (NIDDK), Jaira Vasconcellos (NIDDK), Stefan A. Muljo (NIAID).

Publication: Lee YT, et al. LIN28B-mediated expression of fetal hemoglobin and production of fetal-like erythrocytes from adult human erythroblasts ex vivo. Blood. 2013 Aug 8;122(6):1034–41. [PMID 23798711].

Intellectual Property: HHS Reference No. E–456–2013/2—International. Application No. PCT/US2013/067811 filed 31 Oct 2013.

Licensing Contact: Vince Contreras, Ph.D.; 301–435–4711; *contrerasv@mail.nih.gov*.

Dated: April 14, 2014.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–08881 Filed 4–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

Date: July 16, 2014.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: Strategic Discussion of NCI's Clinical and Translational Research Programs.

Place: National Institutes of Health, Building 31, Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Sheila A. Prindiville, MD, MPH, Director, Coordinating Center for

Clinical Trials, National Institutes of Health, National Cancer Institute, Coordinating Center for Clinical Trials, 9609 Medical Center Drive, Room 6W136, Rockville, MD 20850, 240–276–6173, *prindivs@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ctac/ctac.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08883 Filed 4–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the NIH Scientific Management Review Board (SMRB). Presentations and discussions will address programs and activities to engage pre-college students in biomedical science as well as the NIH peer review and award processes.

The NIH Reform Act of 2006 (Public Law 109–482) provides organizational authorities to HHS and NIH officials to: (1) Establish or abolish national research institutes; (2) reorganize the offices within the Office of the Director, NIH including adding, removing, or transferring the functions of such offices or establishing or terminating such offices; and (3) reorganize, divisions, centers, or other administrative units within an NIH national research institute or national center including adding, removing, or transferring the functions of such units, or establishing or terminating such units. The purpose of the SMRB is to advise appropriate HHS and NIH officials on the use of these organizational authorities and identify the reasons underlying the recommendations.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Scientific Management Review Board (SMRB).

Date: May 7, 2014.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: Presentations and discussions at the May 7 SMRB meeting will focus on two recent SMRB charges: 1) Recommend ways for NIH to cultivate sustained interest in biomedical science among students from pre-kindergarten through high school in order to contribute to a healthy biomedical workforce pipeline, and 2) recommend ways for NIH to further optimize the process of reviewing and awarding grants. Time will be allotted on the agenda for public comment. Sign up for public comments will begin approximately at 8:00 a.m. on May 7, 2014, and will be restricted to one sign-in per person. In the event that time does not allow for all those interested to present oral comments, 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.

Place: National Institutes of Health, Building 35, 1th Floor, Porter Seminar Room, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Juanita Marner, Office of Science Policy, Office of the Director, NIH, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, *smrb@mail.nih.gov,* (301) 435–1770.

This meeting is being published less than 15 days prior to the meeting due to scheduling conflicts of the members.

The meeting will be webcast. The draft meeting agenda and other information about the SMRB, including information about access to the webcast, will be available at *http://smrb.od.nih.gov*.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxis, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: April 15, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08947 Filed 4–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel, Exceptional Unconventional Research Enabling Knowledge Acceleration, (EUREKA) for Neuroscience and Disorders of the Nervous System.

Date: May 5, 2014.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: A. Roger Little, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6132, Bethesda, MD 20892–9609, 301–402–5844, *alittle@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: April 14, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08882 Filed 4–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 materials, 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: Neurological Sciences Training Initial Review Group, NST–1 Subcommittee.

Date: May 12–13, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Raul A. Saavedra, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223, *saavedrr@ninds.nih.gov*.

Name of Committee: Neurological Sciences Training Initial Review Group, NST–2 Subcommittee.

Date: June 23–24, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: JoAnn McConnell, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–5324, *mcconnej@ninds.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Neurological Sciences and Disorders A.

Date: June 25–26, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–402–0288, *Natalia.Strunnikova@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 14, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08884 Filed 4–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–11]

60-Day Notice of Proposed Information Collection: HUD Housing Counseling Program—Application for Approval as a Housing Counseling Agency

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: June 17, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lorraine Griscavage-Frisbee, Deputy Director, Office of Outreach and Capacity Building, Office of Housing Counseling, Department of Housing and Urban Development, 302 Carson Street, 4th Floor, Las Vegas, NV 89101–5911; telephone (702) 366–2160 (this is not a toll-free number) or email at *Lorraine.griscavage-frisbee@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Lorraine Griscavage-Frisbee, Deputy Director, Office of Outreach and Capacity Building, Office of Housing Counseling, Department of Housing and Urban Development, 302 East Carson Street, 4th Floor, Las Vegas, NV 89101–5911; *lorraine.griscavage-frisbee@hud.gov* or telephone (702) 366–2160. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Griscavage-Frisbee.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Application for Approval as a Housing Counseling Agency.

OMB Approval Number: 2502–0573.

Type of Request: Extension.

Form Number: HUD–9900.

Description of the need for the information and proposed use: The Office of Housing Counseling is responsible for administration of the Department's Housing Counseling Program, authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x). The Housing Counseling Program supports the delivery of a wide variety of housing counseling services to homebuyers, homeowners, low- to moderate–income renters, and the homeless. The primary objective of the program is to educate families and individuals in order to help them make smart decisions regarding improving their housing situation and meeting the responsibilities of tenancy and homeownership, including through budget and financial counseling. Counselors also help borrowers avoid predatory lending practices, such as inflated appraisals, unreasonably high interest rates, unaffordable repayment terms, and other conditions that can result in a loss of equity, increased debt, default, and possible foreclosure. Counselors may also provide reverse mortgage counseling to elderly homeowners who seek to convert equity in their homes to pay for home improvements, medical costs, living expenses or other expenses. Additionally, housing counselors may distribute and be a resource for

information concerning Fair Housing and Fair Lending. The Housing Counseling Program is instrumental to achievement of HUD's mission. The Program's far-reaching effects support numerous departmental programs, including Federal Housing Administration (FHA) single family housing programs.

Approximately 2,364 HUD-participating agencies provide housing counseling services nation-wide currently. Of these, approximately 970 have been directly approved by HUD. HUD maintains a list of these agencies so that individuals in need of assistance can easily access the nearest HUD-approved housing counseling agency via HUD's Web site, an automated 1–800 Hotline, or a smart phone application. HUD Form 9900, Application for Approval as a Housing Counseling Agency, is necessary to make sure that people who contact a HUD approved agency can have confidence they will receive quality service and these agencies meet HUD requirements for approval.

To participate in HUD's Housing Counseling Program, a housing counseling agency must first be approved by HUD. Approval entails meeting various requirements relating to experience and capacity, including nonprofit status, a minimum of one year of housing counseling experience in the target community, and sufficient resources to implement a housing counseling plan. Eligible organizations include local housing counseling agencies, private or public organizations (including grassroots, faith-based and other community-based organizations) such as nonprofit, state, local or tribal government entities or public housing authorities that meet the Program criteria. HUD uses form HUD–9900 to evaluate whether applying organizations meet minimum requirements to participate in the Housing Counseling Program. The application for approval for HUD–9900 is found at *http://www.hud.gov/offices/hsg/sfh/hcc/hccprof13.cfm*.

HUD is seeking an extension for the Application for Approval as a Housing Counseling Agency, form HUD–9900. There have been no changes in program eligibility requirements. The form will be updated to reflect changes in Offices responsible for processing applications from the Single Family Program Support Division to the Office of Housing Counseling, and require electronic submission of applications through email in place of paper submissions. Based on the most recent information available (as of February 2014)

Respondents (i.e. affected public): Not-for-profit institutions.

Estimated Number of Respondents: 66.

Estimated Number of Response: 66.

Frequency of Response: Annually.

Average Hours per Response: 71.

Total Estimated Burdens: 4686.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 9, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–08631 Filed 4–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–16]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: April 10, 2014.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 2014–08541 Filed 4–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5725–N–03]

Final Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program Fiscal Year 2014; Update

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of Final Fiscal Year (FY) 2014 Fair Market Rents (FMRs), Update.

SUMMARY: Today's notice updates the FY 2014 FMRs for Santa Barbara-Santa Maria-Goleta, CA, MSA, and Stamford-Norwalk, CT, HUD Metro FMR Area (HMFA), based on surveys conducted in November 2013 by the area public housing agencies (PHAs). The FY 2014 FMRs for these areas reflect the estimated 40th percentile rent levels trended to April 1, 2014.

DATES: *Effective Date:* The FMRs published in this notice are effective on April 18, 2014.

FOR FURTHER INFORMATION CONTACT: For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD USER information line at 800–245–2691 or access the information on the HUD USER Web site: *http://www.huduser.org/portal/datasets/fmr.html*. FMRs are listed at the 40th or 50th percentile in Schedule B. For informational purposes, 40th percentile recent-mover rents for the areas with

50th percentile FMRs will be provided in the HUD FY 2014 FMR documentation system at *http://www.huduser.org/portal/datasets/fmr/fmrs/docsys.html&data=fmr14* and 50th percentile rents for all FMR areas are published at *http://www.huduser.org/portal/datasets/50per.html*.

Questions related to use of FMRs or voucher payment standards should be directed to the respective local HUD program staff. Questions on how to conduct FMR surveys or concerning further methodological explanations may be addressed to Marie L. Lihn or Peter B. Kahn, Economic and Market Analysis Division, Office of Economic Affairs, Office of Policy Development and Research, telephone 202–708–0590. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339. (Other than the HUD USER information line and TDD numbers, telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The FMRs appearing in the following table supersede the values found in Schedule B that became effective on October 1, 2013, and were printed in the October 3, 2013 **Federal Register** (available from HUD at: *http://www.huduser.org/portal/datasets/fmr/fmr2014f/FY2014_FR_Preamble.pdf*).

The FMRs for the two affected areas are revised as follows:

2014 Fair market rent area	FMR by number of bedrooms in unit				
	0 BR	1 BR	2 BR	3 BR	4 BR
Santa Barbara-Santa Maria-Goleta, CA MSA	1042	1197	1435	1918	2220
Stamford-Norwalk, CT HMFA	1269	1538	1910	2379	2959

Dated: April 11, 2014.

Jean Lin Pao,

General Deputy Assistant Secretary for Policy Development & Research.

[FR Doc. 2014–08895 Filed 4–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[FWS–HQ–EA–2013–N291; FF09D00000–FXG01664091HCC0–145]

Renewal of Wildlife and Hunting Heritage Conservation Council Charter

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act (FACA), following consultation with the General Services Administration, the Secretary of the Interior and the Secretary of Agriculture have renewed the Wildlife and Hunting Heritage Conservation Council (Council) charter for 2 years. The Council provides recommendations on wildlife and habitat management, hunting, and other outdoor recreation, affording stakeholders the opportunity to give policy, management, and technical input to the Departments.

DATES: The charter will be filed with the Senate and House of Representatives and the Library of Congress.

FOR FURTHER INFORMATION CONTACT: Joshua Winchell, Council Coordinator, U.S. Fish and Wildlife Service, (703) 358–2639.

SUPPLEMENTARY INFORMATION: The Council will conduct its operations in accordance with the provisions of FACA. It will report to the Secretary of the Interior and the Secretary of Agriculture through the U.S. Fish and Wildlife Service, in consultation with the Director of the Bureau of Land Management; the Director of the National Park Service; the Chief, U.S. Forest Service; the Chief, Natural Resources Conservation Service; and the Administrator of the Farm Service Agency. The Council will function solely as an advisory body. The Council's duties will consist of, but are not limited to, providing recommendations for:

(a) Implementing the *Recreational Hunting and Wildlife Resource Conservation Plan—A Ten-Year Plan for Implementation;*

(b) Increasing public awareness of and support for the Wildlife Restoration Program;

(c) Fostering wildlife and habitat conservation and ethics in hunting and shooting sports recreation;

(d) Stimulating sportsmen and women's participation in conservation and management of wildlife and habitat resources through outreach and education;

(e) Fostering communication and coordination among State, tribal, and Federal governments; industry; hunting and shooting sportsmen and women; wildlife and habitat conservation and management organizations; and the public;

(f) Providing appropriate access to Federal lands for recreational shooting and hunting;

(g) Providing recommendations to improve implementation of Federal conservation programs that benefit wildlife, hunting, and outdoor recreation on private lands; and

(h) When requested by the Designated Federal Officer (DFO) in consultation with the Council Chairperson, performing a variety of assessments or reviews of policies, programs, and efforts through the Council's designated subcommittees or workgroups.

The Council will consist of no more than 18 discretionary and 7 *ex officio* members. The Secretary of the Interior and the Secretary of Agriculture will appoint discretionary members for 3-year terms.

(a) Ex officio members:

(1) Director, U.S. Fish and Wildlife Service, or designated representative; (2) Director, Bureau of Land Management, or designated representative; (3) Director, National Park Service, or designated representative;

(4) Chief, U.S. Forest Service, or designated representative;

(5) Chief, Natural Resources Conservation Service, or designated representative;

(6) Administrator, Farm Service Agency, or designated representative; and

(7) Executive Director, Association of Fish and Wildlife Agencies (AFWA).

(b) The remaining (discretionary) members will be selected from among the national interest groups listed below. These members must be senior-level representatives of their organizations and/or have the authority to represent their designated constituency.

(1) State fish and wildlife resource management agencies;

(2) Wildlife and habitat conservation/management organizations; (3) Game bird hunting organizations;

(4) Waterfowl hunting organizations; (5) Big game hunting organizations;

(6) Sportsmen and women community at large;

(7) Archery, hunting, and/or shooting sports industry;

(8) Hunting and shooting sports outreach and education organizations;

(9) Tourism, outfitter, and/or guide industries related to hunting and/or shooting sports; and

(10) Tribal resource management organizations.

The Council will function solely as an advisory body and in compliance with provisions of FACA (5 U.S.C. Appendix). This notice is published in accordance with section 9a(2) of FACA. The certification of renewal is published below.

Certification: I hereby certify that the Wildlife and Hunting Heritage Conservation Council (Council) is necessary and is in the public interest in connection with the performance of duties imposed on the Department of the Interior under 43 U.S.C. 1457 and provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd), and Executive Order 13443, Facilitation of Hunting Heritage and Wildlife Conservation.

Dated: February 5, 2014.

Sally Jewell,

Secretary of the Interior.

[FR Doc. 2014–08844 Filed 4–17–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invasive Species Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Public Meetings of the Invasive Species Advisory Committee.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of meetings of the Invasive Species Advisory Committee (ISAC). Comprised of 31 nonfederal invasive species experts and stakeholders from across the nation, the purpose of the Advisory Committee is to provide advice to the National Invasive Species Council, as authorized by Executive Order 13112, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. The Council is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of the Council is to provide national leadership regarding invasive species issues.

Purpose of Meeting: The meeting will be held on May 13–15, 2014 in Arlington, Virginia. The purpose of the meeting is to convene the full ISAC and to provide expert input and recommendations to NISC federal agencies and their partners on invasive species matters of national importance. While in session, ISAC will: (1) Provide input on priority actions to include in the National Invasive Species Management Plan revision; (2) receive an initial report on a pilot project to protect forest health in an urban setting; (3) finalize an ISAC White Paper on the role of utilization (including harvest) of invasive species in control programs; (4) review a draft report on the management of invasive species in the context of climate change; and, (5) consider technical input and guidance related to invasive species for consideration by the United States Forest Service for inclusion in their Forest Service Handbook. The meeting agenda will be available on the NISC Web site, *www.invasivespecies.gov,* on or about Friday, April 18, 2014. Supplemental materials will be uploaded to the site on or before Friday May 1, 2014.

DATES: Meeting of the Invasive Species Advisory Committee: Tuesday, May 13, 2014 through Wednesday, May 14, 2014; 8:30 a.m. to 5:00 p.m. Thursday, May 15, 2014; 8:30 a.m.–1:00 p.m.

ADDRESSES: Headquarters of the U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203. The general session will be held in Room 530. **Note:** *All meeting participants and interested members of the public must be cleared through building security prior to being escorted to the meeting.*

FOR FURTHER INFORMATION CONTACT: Kelsey Brantley, National Invasive Species Council Program Specialist and ISAC Coordinator, Phone: (202) 513–7243; Fax: (202) 371–1751; email: *Kelsey_Brantley@ios.doi.gov.* Additional information can also be obtained from the NISC Web site, *www.invasivespecies.gov.*

Dated: April 11, 2014.

Lori Williams,

Executive Director, National Invasive Species Council.

[FR Doc. 2014–08852 Filed 4–17–14; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2014–N065: FXES11130800000–145–FF08E00000]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing recovery permits to conduct certain activities with endangered species.

DATES: Comments on these permit applications must be received on or before May 19, 2014.

ADDRESSES: Written data or comments should be submitted to the Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825 (telephone: 916–414–6464; fax: 916–414–6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; see **ADDRESSES** (telephone: 760–431–9440; fax: 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests.

Applicants

Permit No. TE–793640

Applicant: Jerry J. Smith, San Jose, California.

The applicant requests a permit renewal to take (harass by survey, capture, handle, collect tissue samples and release) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with surveys, research, and population monitoring activities in Marin, San Mateo, Santa Cruz, Monterey, and San Luis Obispo Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–233373

Applicant: MaryAnne Flett, Pt. Reyes Station, California.

The applicant requests an amendment to a permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with survey activities in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–30908B

Applicant: River Partners, Modesto, California.

The applicant requests a permit to take (survey, trap, capture, handle, tag, mark collect genetic material, and release) the riparian brush rabbit (*Sylvilagus bachmani riparius*), take (survey, capture, handle, mark, release, hold in captivity, and relocate) the riparian woodrat (San Joaquin Valley woodrat) (*Neotoma fuscipes riparia*), and take (nest monitor) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with survey, research, and population monitoring activities at the Dos Rios Ranch, Stanislaus County, California, for the purpose of enhancing the species' survival.

Permit No. TE–817400

Applicant: East Bay Regional Park District, Oakland, California.

The applicant requests a permit renewal to take (capture, mark, and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*), take (capture, handle, and release) the California tiger salamander (central Distinct Population Segment (DPS)) (*Ambystoma californiense*), take (harass by survey, locate and monitor nests) the California least tern (*Sternula antillarum browni*) (*Sterna a. b.*), take (harass by survey, locate and monitor nests, and candle eggs) the California clapper rail (*Rallus longirostris obsoletus*); and take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys and population monitoring activities as specified in the previously issued permit in Alameda, Contra Costa, Marin, Napa, Sonoma, Solano, San Francisco, Santa Clara, San Mateo, San Joaquin, and Sacramento Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–30914B

Applicant: Rachel D. Wigginton, Davis, California.

The applicant requests a permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) and salt marsh harvest mouse (*Reithrodontomys raviventris*) in conjunction with survey activities during marsh plant and invertebrate research in Alameda, Contra Costa, Marin, and Santa Clara Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–126141

Applicant: Craig Stockwell, Fargo, North Dakota.

The applicant requests an amendment to a permit to take (trap, collect, mark, release, collect specimens, transport, and harass by observation) the Pahrump poolfish (*Empetrichthys latos*) in conjunction with scientific research activities in Clark and White Pine Counties, Nevada, and in facilities at North Dakota State University, Fargo, North Dakota, for the purpose of enhancing the species' survival.

Permit No. TE–237086

Applicant: Stillwater Sciences, Berkeley, California.

The applicant requests a permit renewal to take (harass by survey, capture, handle, and release) the California freshwater shrimp (*Syncaris pacifica*) in conjunction with surveys and demographic studies throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–198917

Applicant: Stillwater Sciences, McKinleyville, California.

The applicant requests a permit renewal to take (harass by survey, capture, handle, and release) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with surveys and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–101154

Applicant: Douglas C. Rischbieter, Arnold, California.

The applicant requests a permit renewal to take (harass by survey, capture, handle, collect, and release) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with surveys, genetic research, and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–31222B

Applicant: Rachel C. Gardiner, Sacramento, California.

The applicant requests a permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with survey activities in Sonoma and Marin Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–31221B

Applicant: Danielle A. Mullen, Encinitas, California.

The applicant requests a permit to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–075112

Applicant: Gregory K. Chatman, Ashton, Idaho.

The applicant requests a permit renewal to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–102310

Applicant: Mitchell C. Dallas, Morro Bay, California.

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*), in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–081298

Applicant: Daniel H. Weinberg, Albany, California.

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego

fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*), and take (capture, handle, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) in conjunction with survey activities throughout the range of each species in California and Oregon for the purpose of enhancing the species' survival.

Permit No. TE–48210A

Applicant: Area West Environmental, Orangevale, California.

The applicant requests an amendment to a permit to take (harass by survey, capture, handle, conduct drift fence survey study, collect tissue samples, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*), and reduce and remove to possession (collect) the *Orcuttia viscida* (Sacramento Orcutt grass) in conjunction with surveys, research, population monitoring, and seed distribution study throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–217402–1

Applicant: Julie M. Love, Santa Barbara, California.

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, measure and record morphological data, and photograph) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with survey, population monitoring, and research activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–101151

Applicant: Eric A. Bailey, San Marcos, California.

The applicant requests an amendment to a permit to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*), in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–022181

Applicant: David J. Ezell, Hemet, California.

The applicant requests a permit renewal to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–827493

Applicant: Brian M. Leatherman, Yorba Linda, California

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*), and take (locate and monitor nests and remove brown-headed cowbird eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with survey and population monitoring activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–796835

Applicant: Thomas E. Kucera, San Rafael, California.

The applicant requests a permit renewal to take (survey, capture, handle, mark, measure, and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*), Fresno kangaroo rat (*Dipodomys nitratoides exilis*), giant kangaroo rat (*Dipodomys ingens*), and Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) in conjunction with survey and research activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–107075

Applicant: Steven D. Powell, San Pablo, California

The applicant requests a permit renewal to take (survey, capture, handle, and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*) and the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), and take (capture, handle, release, and collect vouchers) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–045937

Applicant: Edwin D. Grosholz, Davis, California.

The applicant requests an amendment to a permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with survey activities in Alameda County, California, for the purpose of enhancing the species' survival.

Permit No. TE–800291

Applicant: Anne Wallace, Nevada City, California.

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*); take (capture, handle, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*); take (harass by survey and monitor nests) the California least tern (*Sternula antillarum browni*) (*Sterna a. b.*); and take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with survey and population monitoring activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Public Comments

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Michael Long,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2014–08926 Filed 4–17–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2014–N056; FF08E00000–FXES11120800000F2–145]

Proposed Low-Effect Habitat Conservation Plan for the Bay Checkerspot Butterfly and Serpentine Grasslands, City of Santa Clara, Santa Clara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of permit application, proposed habitat conservation plan; request for comment.

SUMMARY: We, the U. S. Fish and Wildlife Service (Service), have received an application from the City of Santa Clara, doing business as Silicon Valley Power (applicant), for a 30-year incidental take permit for five species under the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for ''take'' of one listed animal and four listed plants. We request comments on the applicant's application and HCP, and our preliminary determination that the HCP qualifies as a ''low-effect'' habitat conservation plan, eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended (NEPA). We discuss our basis for this determination in our environmental action statement (EAS), also available for public review.

DATES: To ensure consideration, please send your written comments by May 19, 2014. We will make the final permit decision no sooner than May 19, 2014.

ADDRESSES: *Submitting Comments:* Please address written comments to Ellen McBride, Conservation Planning Division, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, CA 95825. Alternatively, you may send comments by facsimile to (916) 414–6713.

Reviewing Documents: You may obtain copies of the permit application, HCP, and EAS from the individuals in **FOR FURTHER INFORMATION CONTACT,** or from the Sacramento Fish and Wildlife Office Web site at *http://www.fws.gov/sacramento*. Copies of these documents are also available for public inspection, by appointment, during regular business hours, at the Sacramento Fish and Wildlife Office.

FOR FURTHER INFORMATION CONTACT: Mike Thomas, Chief, Conservation Planning Division, or Eric Tattersall, Deputy Assistant Field Supervisor, at the address shown above or at (916) 414–6600 (telephone). If you use a telecommunications device for the deaf, please call the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Introduction

We have received an application from the City of Santa Clara, doing business as Silicon Valley Power (SVP; applicant), for a 30-year incidental take permit for five species under the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for ''take'' of one listed animal, the Bay checkerspot butterfly, and four listed plants: the Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchellii*), coyote ceanothus (*Ceanothus ferrisae*), Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), and Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*). Below, we refer to all five species, collectively the Covered Species. The applicant would implement a conservation program to minimize and mitigate the project activities, as described in the applicant's low-effect habitat conservation plan (HCP). We request comments on the applicant's application and HCP, and our preliminary determination that the HCP qualifies as a ''low-effect'' habitat conservation plan, eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended (NEPA). We discuss our basis for this determination in our environmental action statement (EAS), also available for public review.

Background Information

Section 9 of the Act (16 U.S.C. 1531–1544 et seq.) and our regulations in the Code of Federal Regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Take of federally listed fish or wildlife is defined under the Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or attempt to engage in such conduct. The term ''harass'' is defined in the regulations as to carry out actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). The term ''harm'' is defined in the regulations as significant habitat modification or degradation that results in death or injury of listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). However, under specified circumstances, the Service may issue permits that allow the take of federally listed species, provided that the take that occurs is incidental to, but not the purpose of, an otherwise lawful activity.

Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

(1) The taking will be incidental;

(2) The applicants will, to the maximum extent practicable, minimize and mitigate the impact of such taking;

(3) The applicants will develop a proposed HCP and ensure that adequate funding for the HCP will be provided;

(4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(5) The applicants will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP.

Although take of listed plant species is not prohibited under the Act, and therefore cannot be authorized under an incidental take permit, plant species may be included on a permit in recognition of the conservation benefits provided to them under a habitat conservation plan.

Proposed Project

The draft HCP addresses potential effects to the Covered Species that may result from the proposed covered activities. The applicant seeks incidental take authorization for covered activities within the 2.86-acre Don Von Raesfeld Pico Power Plant (DVR), which is located west of the intersection of Lafayette Street and Duane Avenue and immediately north of SVP's Kifer Receiving Station, Santa Clara County, California. The following five federally listed species will be Covered Species in the applicant's proposed HCP:

- Bay checkerspot butterfly (*Euphydryas editha bayensis*) (threatened)
- Santa Clara Valley dudleya (*Dudleya setchellii*) (endangered)
- Coyote ceanothus (*Ceanothus ferrisae*) (endangered)
- Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*) (endangered)
- Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*) (endangered)

The applicant would seek incidental take authorization for these five Covered Species and would receive assurances

under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Proposed Covered Activities

The following actions are proposed as the ''Covered Activities'' under the HCP: Approximately 40 acres of serpentine habitat for the covered species will be indirectly affected through nitrogen oxide (NO_X) deposition and NH_3 emissions resulting from pollution control processes. The applicant proposes to continue to operate a 2.86-acre electric power plant, which is a natural gas–fired, combined-cycle electric generating facility with two General Electric LM–6000PC Spring combustion turbine generators, a single condensing steam turbine generator, deaerating surface condenser, mechanical draft plume-abated cooling tower, and associated support equipment. The plant is rated at nominal net generating capacity of 122 megawatts (MW), with the ability to peak fire at 147 MW. The plant has an emission-reduction system, which includes water injection and a selective catalytic reduction unit to control nitrogen oxides, and an oxidation catalyst to control carbon monoxide. The power plant will not directly affect serpentine species, but emissions from the power plant could result in indirect effects. The applicant seeks a 30-year permit to cover the deposition and emissions associated with the operations of this proposed development within the 40 acres surrounding the development site. The power plant is not expected to cause direct effects to covered species or their habitat.

Proposed Mitigation Measures

The applicant proposes to avoid, minimize, and mitigate the effects to the covered species associated with the Covered Activities by fully implementing the HCP. The following mitigation and minimization measures will be implemented:

- Acquisition of and placing a conservation easement on 40 acres of serpentine habitat on the nearby DVR Ecological Preserve for protection of the serpentine-endemic species;
- Purchase of Bay Area Air Quality Management District (BAAQMD) air pollution credits in the amount of 43.3 tons for NO_X;
- Population monitoring on the preserve site, including adaptive management;
- Invasive weed management;
- Controlled grazing; and
- Vegetation monitoring.

General minimization measures will include:

- Limiting vehicular access of the preserve to existing paved roads; and
- Maintenance of all equipment for accessing the preserve to avoid fluid leaks.

Proposed Action and Alternatives

Our proposed action (see below) is approving the applicant's HCP and issuance of an incidental take permit for the applicant's Covered Activities. As required by the Act, the applicant's HCP considers alternatives to the take under the proposed action. The HCP considers the environmental consequences of one alternative to the proposed action, the No Action Alternative, as well as alternatives for power supplied to Silicon Valley Power's customers.

No-Action Alternative

Under the No-Action Alternative, we would not issue an incidental take permit, the applicant would cease operations of the power plant, the project area would continue to experience nitrogen deposition from vehicular use along nearby highways, and no take would occur for the operation of the power plant. While the No-Action Alternative would avoid take of covered species, it is inconsistent with one of the primary objectives of Silicon Valley Power's program to provide electrical power to its business customers and to replace the power obtained through a long-term sales agreement that expired in 2005, after the DVR came on line. In addition, the No-Action Alternative could result in greater fuel consumption and air pollution in the State, because older, less efficient plants with higher air emissions would continue to generate power instead of being replaced with cleaner, more efficient plants, such as the DVR. It also could result in the transfer of the mitigation property, the DVR Ecological Preserve, to a party that would fully develop the property without maintaining any habitat or federally listed species on site. Also, during limited availability of in-state generated electricity, imported electrical energy has proven to be expensive and not always available. Additionally, under the No-Action Alternative, the 40-acre DVR Ecological Preserve for serpentine endemic species would not be acquired or set up for management in perpetuity. For these reasons, the No-Action Alternative has been rejected.

Power Supply Alternative

Similarly, alternative routes for the natural gas pipeline, electric transmission line, and waste water pipeline were also reviewed and found either to be infeasible, to fail to avoid or minimize any potential significant environmental effects, or to have the potential to cause significant environmental effects that are otherwise avoided or minimized by the DVR.

Various alternative technologies, scaled to meet the DVR objectives, with the technology of the DVR were compared. Technologies examined were those principal electricity generation technologies that do not burn natural gas: solar, wind, and biomass. Both solar and wind generation result in the absence or reduction in air pollutant emissions, visible plumes, and need for emissions control. Water consumption for both wind and solar generation is substantially less than for a natural, gas–fired plant because there is no thermal cooling requirement.

However, solar and wind resources would require large land areas in order to generate 122 MW of electricity. Specifically, central receiver solar thermal projects require approximately 5 acres per megawatt; therefore, 122 MW would require approximately 610 acres, or over 200 times the amount of land area taken by the DVR site and linear facilities. Parabolic trough solar thermal technology requires similar acreage per megawatt. Wind generation ''farms'' generally require between 5 to 17 acres per megawatt, with 122 MW requiring between 610 and 2,074 acres. Additionally, solar and wind energy technologies cannot provide full-time availability due to the natural intermittent availability of the source.

Although air emissions are significantly reduced or eliminated for both wind and solar facilities, both can have significant visual effects. Wind facilities can also affect birds and bats, depending on the turbine technology, and solar facilities typically have associated land disturbance that may affect other listed species.

For biomass generation, a fuel source such as wood chips (the preferred source) or agricultural waste is necessary. Biomass facilities generate substantially greater quantities of air pollutant emissions. In addition, biomass plants are typically sized to generate less than 20 MW, which is substantially less than the capacity of the 122–MW DVR project. In order to generate 122 MW, six biomass facilities each generating 20 MW would be required.

Because of the typically lower efficiencies and intermittent availability of alternative generation technologies, they do not fulfill a basic objective of this plant: to provide power from a load-following facility to meet the growing demands for reliable power within the City of Santa Clara. Consequently, it has

been concluded that geothermal, hydroelectric, solar, wind, and biomass technologies do not present feasible alternatives to the DVR.

For the above reasons, the various alternatives to power delivery for Silicon Valley Power's customers were rejected.

Proposed Action

Under the Proposed Action Alternative, we would issue an incidental take permit for the applicant's proposed project, which includes the activities described above. The Proposed Action Alternative would result in an estimated permanent loss through indirect effects to 40 acres of grassland habitat for the Bay checkerspot butterfly, Santa Clara Valley dudleya, Metcalf Canyon jewelflower, Coyote ceanothus, and Tiburon paintbrush. To mitigate for these effects, the applicant proposes to protect, enhance, and manage in perpetuity 40 acres of nearby serpentine grassland.

National Environmental Policy Act

As described in our EAS, we have made the preliminary determination that approval of the proposed Plan and issuance of the permit would qualify as a categorical exclusion under NEPA (42 U.S.C. 4321 et seq.), as provided by NEPA implementing regulations in the Code of Federal Regulations (40 CFR 1500.5(k), 1507.3(b)(2), 1508.4), by Department of Interior regulations (43 CFR 46.205, 46.210, 46.215), and by the Department of the Interior Manual (516 DM 3 and 516 DM 8). Our EAS found that the proposed HCP qualifies as a ''low-effect'' habitat conservation plan, as defined by our ''Habitat Conservation Planning and Incidental Take Permitting Process Handbook'' (November 1996).

Determination of whether a habitat conservation plan qualifies as low effect is based on the following three criteria: (1) Implementation of the proposed HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the proposed plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the HCP, considered together with the impacts of other past, present, and reasonably foreseeable projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. Based upon the preliminary determinations in the EAS, we do not intend to prepare further NEPA documentation. We will consider public comments when making the final determination on whether to prepare an additional NEPA document on the proposed action.

Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. We particularly seek comments on the following:

(1) Biological information concerning the species;

(2) Relevant data concerning the species;

(3) Additional information concerning the range, distribution, population size, and population trends of the species;

(4) Current or planned activities in the subject area and their possible impacts on the species; and

(5) Identification of any other environmental issues that should be considered with regard to the proposed DVR operations and permit action.

You may submit your comments and materials by one of the methods listed above in **ADDRESSES**. Comments and materials we receive, as well as supporting documentation we used in preparing the EAS, will be available for public inspection by appointment, during normal business hours, at our office (see **FOR FURTHER INFORMATION CONTACT**).

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might 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.

Next Steps

We will evaluate the permit application, including the HCP, and comments we receive to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to the applicant for the incidental take of the Bay checkerspot butterfly from the implementation of the covered activities described in the Low-Effect Habitat Conservation Plan for the Bay Checkerspot Butterfly and Serpentine Grasslands, City of Santa Clara, Santa Clara County, California. We will make the final permit decision no sooner than 30 days after publication of this notice in the **Federal Register**.

Authority

We publish this notice under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.; NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1500–1508, as well as in compliance with section 10(c) of the Endangered Species Act (16 U.S.C. 1531 et seq.; Act).

Dated: April 14, 2014.

Jennifer M. Norris,

Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California.

[FR Doc. 2014–08851 Filed 4–17–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK6006201 145A2100DD A0R3B3030.999900]

Final Environmental Impact Statement (FEIS) for the Proposed Los Coyotes Band of Cahuilla and Cupeño Indians 23-Acre Fee-to-Trust Transfer and Casino-Hotel Project, City of Barstow, San Bernardino County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the Los Coyotes Band of Cahuilla and Cupeño Indians, National Indian Gaming Commission (NIGC), U.S. Environmental Protection Agency (EPA), and the City of Barstow serving as cooperating agencies, intends to file a FEIS with the EPA for the Los Coyotes Band of Cahuilla and Cupeño Indians Fee-to-Trust and Casino-Hotel Project proposed to be located within the City of Barstow, San Bernardino County, California, and that the FEIS is now available for public review.

DATES: The Record of Decision (ROD) on the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. Any comments on the FEIS must arrive on or before 30 days following the date the EPA publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: John Rydzik, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way,

Sacramento, California 95825. Telephone: (916) 978–6051.

SUPPLEMENTARY INFORMATION: The Los Coyotes Band of Cahuilla and Cupeño Indians has requested that the BIA take into trust 23 acres of land on which the Tribe proposes to construct a gaming facility, hotel, parking areas and other facilities. The approximately 23-acre project site is located within the incorporated boundaries of the City of Barstow, San Bernardino County, California, just east of Interstate 15. Because this request is for land to be taken into trust for gaming purposes, the Los Coyotes Band of Cahuilla and Cupeño Indians has submitted an application under the Indian Reorganization Act (25 U.S.C. 465 et seq. as implemented in 25 CFR part 151) and seeks a determination of gaming eligibility under the Indian Gaming Regulatory Act (25 U.S.C. 2719 et seq. as implemented in 25 CFR part 292). The FEIS supports both actions.

The proposed project includes the development of a casino with approximately 57,070 square feet of gaming floor. Associated facilities would include food and beverage services, retail space, banquet/meeting space, and administration space. Food and beverage facilities would include one full service restaurant, a ''Drive-in'' restaurant, a food court with four venues, a coffee shop, three service bars, and a lounge. The hotel would have approximately 100 rooms and a full service restaurant. Both the gaming facility and the hotel would be open 24 hours a day, seven days a week. A total of 1,405 parking spaces would be provided.

The following alternatives are considered in the FEIS: (A) Barstow casino and hotel complex project, (B) Barstow Reduced Casino Hotel Complex (Proposed Project described above), (C) a reduced intensity casino at a 19-acre site within the Los Coyotes Reservation, (D) a non-gaming alternative, specifically the development of a campground facility within the Los Coyotes Reservation, and (E) a no-action alternative. Alternative B has been identified as the Tribe's Preferred Alternative, as discussed in the FEIS. The information and analysis contained in the EIS, as well as its evaluation and assessment of the Tribe's Preferred Alternative, are intended to assist the Department of the Interior (Department) in its review of the issues presented in the fee-to-trust application. The Preferred Alternative does not necessarily reflect the Department's final decision because the Department must further evaluate all of the criteria listed in 25 CFR part 151 and 25 CFR part 292. The Department's consideration and analysis of the applicable regulations may lead to a final decision that selects an alternative other than the Preferred Alternative, including no action, or a variant of the Preferred or another of the alternatives analyzed in the FEIS.

Environmental issues addressed in the FEIS include land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, environmental justice, transportation, land use, agriculture, public services, noise, hazardous materials, visual resources, cumulative effects, indirect effects, growth inducing effects and mitigation measures.

A public scoping meeting for the DEIS was held by the BIA on May 4, 2006 at the Barstow Community College Gymnasium in Barstow, California. A Notice of Availability for the Draft EIS was published in the **Federal Register** on June 28, 2011 (76 FR 38677), and announced a 45 day review period ending on September 14, 2011. The BIA held a public hearing on the Draft EIS on July 27, 2011 in Barstow, California.

Directions for Submitting Comments: Please include your name, return address, and the caption, ''FEIS Comments, Los Coyotes Band of Cahuilla and Cupeño Indians Fee-to-Trust and Casino-Hotel Project,'' on the first page of your written comments.

Locations Where the FEIS is Available for Review: The FEIS will be available for review at the San Bernardino County Public Library- Barstow Branch, 304 East Buena Vista, Barstow, CA 92311; and the San Diego County Public Library-Borrego Springs, 587 Palm Canyon, #125, Borrego Springs, CA 92004. General information for the San Bernardino County Public Library—Barstow Branch can be obtained by calling (760) 256–4850; information for the San Diego County Public Library-Borrego Springs can be obtained by calling (760) 767–5761. The FEIS is also available on the following Web site: *http://www.loscoyoteseis.com.*

To obtain a compact disk copy of the FEIS, please provide your name and address in writing to John Rydzik, Chief, Division of Environmental Cultural Resources Management and Safety listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice or by email to *john.rydzik@bia.gov.* Individual paper copies of the FEIS can also be provided upon payment of applicable printing expenses by the requestor for the number of copies requested.

Public Comment Availability: Comments, including names and addresses of respondents, will be available for public review at the BIA mailing address shown in the **ADDRESSES** section of this notice, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published pursuant to Sec. 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and Sec. 46.305 of the Department of Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, et seq.), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: April 8, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–08515 Filed 4–17–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[K00621 1314 R3B30]

Final Environmental Impact Statement for the Cloverdale Rancheria of Pomo Indians' Proposed 65-Acre Fee-to-Trust Acquisition and Resort Casino Project, Sonoma County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the Cloverdale Rancheria of Pomo Indians (Tribe), National Indian Gaming Commission, Environmental Protection Agency (EPA), California Department of Transportation (Caltrans), Sonoma County, and City of Cloverdale as cooperating agencies, intends to file a final environmental impact statement (FEIS) with the EPA for the Tribe's application requesting that the United States acquire land in trust within Sonoma County, California, and that the FEIS is now available for public review.

DATES: The Record of Decision on the proposed action will be issued on or

after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. Any comments on the FEIS must arrive on or before that date.

ADDRESSES: Mail or hand carry written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. See **SUPPLEMENTARY INFORMATION** for directions on submitting comments and the public availability of the FEIS.

FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978–6051.

SUPPLEMENTARY INFORMATION: BIA prepared the FEIS to address the potential environmental effects of the United States acquiring six parcels in trust (totaling approximately 65 acres) for the benefit of the Tribe, as well as the subsequent development of a destination resort casino and supporting infrastructure on some of the parcels. Subsequent to the release of the Draft EIS (DEIS) one of the six parcels was removed from the fee-to-trust application (Assessor's Parcel Number 116–310–020). Under Alternatives A through D, this parcel was proposed to include a tribal government building with workspace and offices and an associated parking area. Upon review of the environmental impacts for the alternatives, the BIA determined that the removal of this parcel would not appreciably change the level of significance for the issues analyzed in this EIS, and thus the FEIS has not been altered to remove this parcel from the project site or impact analysis. However, it should be noted that this parcel, including the proposed tribal government building and associated parking area, are not included within the current fee-to-trust application.

The parcels within the current fee-to-trust application are located within unincorporated Sonoma County, California. The project site is situated immediately east of Highway 101 and borders Asti Road. Regional access to the project site is provided by Highway 101, with local access provided by South Cloverdale Boulevard via Highway 101. The project site is adjacent to the location of the Tribe's historic rancheria.

The proposed project (Alternative A) includes an 80,000 square-foot casino, 287,000 square-foot hotel with 244 rooms, 48,600 square-foot convention center, 28,100 square-foot entertainment center, 3,400 car garage and surface parking spaces, and other ancillary facilities. Buildings would have a height of up to two stories above grade with the exception of the hotel and parking garage which would have a height of up to five stories above grade.

Project alternatives considered in the FEIS include: Alternative A—Proposed Action; Alternative B—Reduced Hotel and Casino; Alternative C—Reduced Casino; Alternative D—Casino Only; Alternative E—Commercial Retail-Office Space; and Alternative F—No Action Alternative. Alternative A (i.e. the proposed fee-to-trust acquisition and resort casino project) has been selected as the Tribe's preferred alternative, as discussed in the FEIS. The information and analysis contained in the EIS, as well as its evaluation and assessment of the Tribe's preferred alternative, are intended to assist the review of the issues presented in the fee-to-trust application. The preferred alternative does not necessarily reflect what the final decision will be, because the Department must evaluate all of the criteria listed in 25 CFR part 151. The Department's consideration and analysis of the applicable regulations may lead to a final decision that selects an alternative other than the preferred alternative, including no action, or a variant of the preferred or another of the alternatives analyzed in the FEIS.

Environmental issues addressed in the FEIS include land resources, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions, transportation, land use and agriculture, public services, noise, hazardous materials, visual resources, environmental justice, growth inducing effects, indirect effects, cumulative effects, and mitigation measures.

The BIA afforded other government agencies and the public extensive opportunity to participate in the preparation of this EIS. A Notice of Intent to prepare the EIS for the proposed action was published in the **Federal Register** on July 7, 2008. The BIA held a public scoping meeting on July 30, 2008, in the City of Cloverdale. A Notice of Availability for the DEIS was published in the **Federal Register** on August 6, 2010. The DEIS was available for public comment from August 6, 2010 to October 20, 2010. The BIA held a public hearing on the DEIS on September 16, 2010, in the City of Cloverdale.

Locations where the FEIS is Available for Review: The FEIS is available for public review at the Cloverdale Regional Library, 401 North Cloverdale Boulevard, Cloverdale, CA 95425 and at the Santa Rosa Central Library, 211 E Street, Santa Rosa, CA 95404. General information for the Cloverdale Regional Library can be obtained by calling (707) 894–5271 and the Santa Rosa Central Library by calling (707) 545–0831. An electronic version of the FEIS can also be viewed at the following Web site: *http://www.cloverdalerancheria.com/eis.html.*

Directions for Submitting Comments: Please include your name, return address, and the caption, ''FEIS Comments, Cloverdale Rancheria of Pomo Indians' Fee-to-Trust and Resort Casino Project,'' on the first page of your written comments and submit comments to the BIA address listed above in the **ADDRESSES** section of this notice.

To obtain a compact disk copy of the FEIS, please provide your name and address in writing or by voicemail to John Rydzik, Chief of the Division of Environmental, Cultural Resources Management and Safety, at the address listed in the **ADDRESSES** section of this notice, or at the telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Note that individual paper copies of the FEIS will be provided only upon payment of applicable printing expenses by the requestor for the number of copies requested.

Public Comment Availability: Comments, including the names and addresses of respondents, will be available for public review at the BIA mailing address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published in accordance with the Council on Environmental Quality regulations (40 CFR 1500 et seq.) and the Department of the Interior regulations (43 CFR part 46) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), and is accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

Dated: April 8, 2014.

Kevin Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–08514 Filed 4–17–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01500, L51010000.ER0000, 13XL5017AP, LVRWB13B5330; CACA 053958]

Notice of Availability of the Draft Environmental Impact Statement for the Tylerhorse Wind Project and Draft Plan Amendment, Kern County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) for the Tylerhorse Wind Project (TWP) and a Draft Plan Amendment to the California Desert Conservation Area (CDCA) Plan 1980, as amended, and by this notice is announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft EIS/plan amendment within 90 days following the date the U.S. Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the TWP Draft EIS/plan amendment by any of the following methods:

- *Web site: http://www.blm.gov/ca/st/en/fo/ridgecrest/tylerhorse_wind_project.html.*
- *Email: blm_ca_tylerhorse_wind_project@blm.gov.*
- *Mail:* Cedric Perry, BLM Project Manager, BLM California Desert District Office, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553.

Copies of the TWP Draft EIS/plan amendment are available in the California Desert District Office at the above address.

FOR FURTHER INFORMATION CONTACT: Cedric Perry, BLM Project Manager; telephone 951–697–5388; address BLM California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553; email *blm_ca_tylerhorse_wind_project@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, Heartland Wind, LLC, has submitted a right-of-way (ROW) application to the BLM requesting authorization to construct, operate, maintain, and decommission the TWP on 1,200 acres of BLM-managed lands to produce up to 60 megawatts of electricity from wind energy. The proposed project would be located in Kern County, California, approximately 15 miles west of Highway 14, 12 miles south of Highway 58, and 8 miles north of State Route 138.

The proposed project would include up to 40 wind turbine generators, access roads, a 34.5-kilovolt underground energy collection system, supervisory control and data acquisition system, fiber optic communications, and fencing. The TWP would share an existing operations and maintenance building with the adjacent Manzana Wind Energy Project. A portion of the project may also connect to the Whirlwind substation through the adjacent, approved Pacific Wind Energy Project. If approved, construction of the TWP is expected to last 4 months. However, construction could be delayed by weather or other unforeseen circumstances. Therefore, a 2-year pre-operating period has been requested by the Heartland Wind, LLC to allow adequate time for construction.

The Draft EIS/plan amendment analyzes the Proposed Action (40 turbines) and a smaller, Modified Proposed Action alternative (30 turbines). It also analyzes a no action alternative and two no project alternatives that would not approve the project, but would amend the CDCA Plan identifying the area as either suitable or unsuitable for wind energy projects. The CDCA Plan (1980, as amended), while recognizing the potential compatibility of renewable energy generation facilities with other uses on public lands, requires that all sites proposed for power generation or transmission not already identified in the plan be considered through the plan amendment process.

The Draft EIS/plan amendment analyzes the direct, indirect, and cumulative impacts of the Proposed Action and alternatives on biological resources, cultural resources, water resources, geological resources and hazards, land use, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, wilderness characteristics, and other resources.

On July 15, 2011, the BLM published a Notice of Intent to prepare an EIS in the **Federal Register** (76 FR 41815). On August 31, 2011, a press release issued, notified the public that the scoping period had been extended to September 29, 2011, and on September 14, 2011, a scoping meeting was held.

Please note that public comments and information submitted including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2.

Cynthia Staszak,

Associate Deputy State Director.

[FR Doc. 2014–08767 Filed 4–17–14; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CONC–15116; PPMVSCS1Y.Y00000, PPWOBSADC0]

National Park Service Concessions Management Advisory Board

AGENCY: National Park Service, Interior.

ACTION: Notice of Renewal.

SUMMARY: The Secretary of the Interior is giving notice of renewal of the National Park Service Concessions Management Advisory Board. This action is necessary and in the public interest in connection with the performance of statutory duties imposed upon the Department of the Interior and the National Park Service.

FOR FURTHER INFORMATION CONTACT: Erica Chavis, Concessions Management Specialist, National Park Service, Commercial Services Program, 1201 Eye Street NW., 11th floor, Washington, DC 20005, Telephone: (202) 513–7156.

SUPPLEMENTARY INFORMATION: The National Park Service Concessions Management Advisory Board was established by Title IV, Section 409 of Public Law 105–391, the National Parks Omnibus Management Act of 1998, November 13, 1998, with a termination date of December 31, 2008. Pursuant to Title VII, Subtitle A, Section 7403 of Public Law 111–11, the Omnibus Public Land Management Act of 2009, March 30, 2009, the Board was extended one year and terminated on December 31, 2009. On January 1, 2010, the Board was converted to a discretionary committee, provided that it is renewed every 2 years in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 1–16).

The advice and recommendations provided by the Board and its subcommittees fulfill an important need within the Department of the Interior and the National Park Service, and it is necessary to administratively reestablish the Board to ensure its work is not disrupted. The Board's seven members will be balanced to represent a cross-section of disciplines and expertise relevant to the National Park Service mission. The renewal of the Board comports with the requirements of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 1–16), and follows consultation with the General Services Administration. The administrative reestablishment will be effective on the date the charter is filed pursuant to section 9(c) of the Act and 41 CFR 102–3.70.

Certification: I hereby certify that the renewal of the National Park Service Concessions Management Advisory Board is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Act of August 25, 1916, 16 U.S.C. 1 *et seq.,* and other statutes relating to the administration of the National Park System.

Dated: March 27, 2014.

Sally Jewell,

Secretary of the Interior.

[FR Doc. 2014–08834 Filed 4–17–14; 8:45 am]

BILLING CODE 4312–53–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–011]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 23, 2014 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 701–TA–455 and 731–TA–1149 (Review) (Circular Welded Carbon-Quality Steel Line Pipe From China). The Commission is currently scheduled to complete and file its determination and views of the Commission on May 2, 2014.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Dated: April 15, 2014.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–08980 Filed 4–16–14; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0021]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: Dispensing Records of Individual Practitioners

AGENCY: Drug Enforcement Administration, Department of Justice

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 17, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ruth A. Carter, Chief, Policy Evaluation Analysis Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1 *Type of Information Collection:* Extension of a currently approved collection.

2 *The Title of the Form/Collection:* Dispensing Records of Individual Practitioners.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is N/A. The applicable component within the Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:* 21 U.S.C. 827 requires that individual practitioners keep records of the dispensing and administration of controlled substances. This information is needed to maintain a closed system of distribution.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 81,397

respondents, with 81,397 responses annually to this collection. The DEA estimates that it takes 30 minutes to complete the form.

6 *An estimate of the total public burden (in hours) associated with the collection:* The DEA estimates this collection has a public burden of 40,699 hours annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–08862 Filed 4–17–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0105]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval, With Change, of a Previously Approved Collection; Community Policing Self-Assessment (CP–SAT)

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 31, page 9001, on February 14, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until May 19, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Kimberly Brummett, Department of Justice, Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Community Policing Self-Assessment (CP–SAT).

(3) *Agency form number:* N/A.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Law enforcement agencies and community partners.

The purpose of this project is to improve the practice of community policing throughout the United States by supporting the development of a series of tools that will allow law enforcement agencies to gain better insight into the depth and breadth of their community policing activities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that approximately 95,035 respondents will respond with an average of 15 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated burden is 23,759 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: April 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–08789 Filed 4–17–14; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0004]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Permit To Export Controlled Substances/Export Controlled Substances for Re-Export—DEA Forms 161 and 161r

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 17, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ruth A. Carter, Chief, Policy Evaluation Analysis Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice

Statistics, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

The Title of the Form/Collection: Application for Permit to Export Controlled Substances/Export Controlled Substances for Reexport—DEA Forms 161 and 161r.

2. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is DEA Form 161 and 161r. The applicable component within the Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice.

3. *Affected public who will be asked or required to respond, as well as a brief abstract:* Title 21 CFR 1312.21 and 1312.22 require persons who export controlled substances in Schedules I and II and who reexport controlled substances in Schedules I and II and narcotic controlled substances in Schedules III and IV to obtain a permit from DEA.

Information is used to issue export permits, exercise control over exportation of controlled substances, and compile data for submission to the United Nations to comply with treaty requirements.

4. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 123 respondents, with 5,109 responses annually to this collection. The DEA estimates that it takes .5 hour to complete the form.

5. *An estimate of the total public burden (in hours) associated with the collection:* The DEA estimates this collection has a public burden of 2,555 hours annually

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–08861 Filed 4–17–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0003]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: ARCOS Transaction Reporting

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 17, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ruth A. Carter, Chief, Policy Evaluation Analysis Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:
—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* ARCOS Transaction Reporting—DEA Form 333.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is DEA Form 333. The applicable component within the Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Controlled substances manufacturers and distributors must report acquisition/distribution transactions to the DEA to comply with Federal law and international treaty obligations. This information helps to ensure a closed system of distribution for these substances.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 1,265 respondents, with 7,932 responses annually to this collection. The DEA estimates that it takes 1 hour to complete the form.

6 *An estimate of the total public burden (in hours) associated with the collection:* The DEA estimates this collection has a public burden of 6,856 hours annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–08860 Filed 4–17–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; New Collection; National Crime Information Center (NCIC)

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 30, pages 8733–8734, on February 13, 2014, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 19, 2014.

FOR FURTHER INFORMATION CONTACT: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mr. Travis Olson, Acting Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Module D–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625–2924.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* New Collection.

(2) *The title of the form/collection:* National Crime Information Center.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: federal, state, local, territorial, and tribal law enforcement agencies. Abstract: Under United States Code, Title 28, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, June 11, 1930; Code of Federal Regulations, Title 28, Part 20, Criminal Justice Information, this collection requests information from federal, state, local, territorial, and tribal law enforcement agencies. The NCIC is a computerized information system available to law enforcement and criminal justice agencies nationwide. NCIC became operational on January 27, 1967, with the goal of assisting law enforcement in the apprehension of fugitives and locating stolen property. This goal has expanded to include locating missing persons and further protecting law enforcement personnel and the public. The NCIC is the sole system that houses actionable criminal justice and law enforcement data from more than 90,000 users nationwide. The average transactions per day in FY 2013 were 9.6 million. On September 13, 2013, NCIC had a peak daily transaction volume of 12.21 million transactions. The system was available 99.75 percent of the time in FY 2013. The last major upgrade to NCIC occurred in July 1999, with the transition to NCIC 2000. The CJIS Division has implemented many enhancements to the system since 1999, in an effort to continue to meet the needs of the stakeholders. The NCIC stakeholders include law enforcement and criminal justice users at all levels (federal, state, local, territorial, and tribal). As the lifecycle of NCIC 2000 nears its end, the CJIS Division is preparing for the next major upgrade to NCIC known as NCIC 3RD Generation (N3G). The mission of N3G is to partner with stakeholders to identify new functionality and information sharing services that will improve, modernize and expand the existing NCIC system so that it will continue to provide real time, accurate, and complete criminal justice information to support the NCIC user community. With OMB approval, the CJIS Division will be conducting a requirements canvass in FY14 and FY15 for N3G. The purpose of the requirements study is to gather and evaluate the needs of the law enforcement and criminal justice communities. Subsequently, the needs of the users will be documented in concepts and scenarios that will ultimately become the Concept of Operations (CONOPS) for the development of the N3G. It is vital that the new capabilities and functionality are detailed in a robust CONOPS to ensure that the system is developed to meet the current and future needs of the users.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is anticipated that the N3G Canvass will be conducted at a focal point in all 50 states. The canvass will include interviewing the respective state CSO along with any technical and policy staff, i.e., Computer Engineer(s), they deem appropriate. The on-site canvass will be conducted at the CSA facility and the additional individuals will be required to travel to that respective facility. The CSO and their staff will be at the location for a total of four hours for the state based interview. The state employees will remain at the location during the local level interview process. This interview will include twelve local law enforcement personnel during an additional four hours. It is expected that four of the local personnel will be within the respective city incurring no travel burden. It is anticipated that eight of the local law enforcement personnel from two different districts will require up to four hours travel time (two hours each way) to the interview location, thus four hours burden for eight people.

It is anticipated that ten additional interviews will be conducted that do not fall within the CSO location. These interviewees will consist of the

manager, two computer engineers and ten additional personnel.

The estimate of the respondent's burden for this data collection is as follows:

Number of N3G respondents: 880.

Frequency of responses: One session (4 hours each) for Local Law Enforcement Personnel. Two sessions (4 hours each) for CSO and two Computer Engineers except when interviewing at a CSA.

Total annual responses: Once for Local Law Enforcement personnel and twice for CSOs and Computer Engineers.

Hours per response: 4 hours.

Hours for Travel for 8 Local LE personnel per location: 4 hours.

Annual Hour Burden: 5,720 hours.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 5,720 hours, annual burden, associated with this information collection.

If additional information is required contact Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: April 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–08790 Filed 4–17–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Meeting: Native American Employment and Training Council

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended, and Section 166(h)(4) of the Workforce Investment Act (WIA) [29 U.S.C. 2911(h)(4)], notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIA.

DATES: The meeting will begin at 9:00 a.m. (Eastern Daylight Time) on Wednesday, May 28, 2014, and continue until 4:30 p.m. that day. The period from 2:30 p.m. to 4:30 p.m. on May 28, 2014, will be reserved for participation and presentations by members of the public. The meeting will reconvene at 9:00 a.m. on Thursday, May 29, 2014, and adjourn at 12:00 p.m. that day.

ADDRESSES: The meeting on May 28, 2014 will be held at the U.S. Bureau of Labor Statistics, Postal Square Building, 2 Massachusetts Avenue, Northeast, Washington, DC 20210, Conference Room # 9. The meeting on May 29, 2014, will be held at the U.S. Department of Labor, 200 Constitution Avenue, Northwest, Washington, DC 20210, Room C–5320.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Members of the public not present may submit a written statement on or before Tuesday, May 27, 2014, to be included in the record of the meeting. Submit written statements to Mr. Craig Lewis, Designated Federal Official (DFO), U.S. Department of Labor, 200 Constitution Avenue, Northwest, Room S–4209, Washington, DC 20210 or email: *Lewis.Craig@dol.gov*. Written statements may also be faxed to Mr. Lewis at (202) 693–3717 on or before Tuesday, May 27, 2014. Persons who need special accommodations should also contact Mr. Lewis at (202) 693–3384, at least two business days before the meeting. The formal agenda will focus on the following topics: (1) Election of Chair for Council; (2) U.S. Department of Labor, Employment and Training Administration Updates; (3) Training and Technical Assistance; (4) Council and Work Group Updates and Recommendations; (5) New Business and Next Steps; and (6) Public Comment.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Lewis, DFO, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4209, 200 Constitution Avenue, Northwest, Washington, DC 20210. Telephone number (202) 693–3384 (VOICE) (this is not a toll-free number).

Eric M. Seleznow,

Acting Assistant Secretary for Employment and Training Administration, Labor.

[FR Doc. 2014–08832 Filed 4–17–14; 8:45 am]

BILLING CODE 4501–FR–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0015]

Proposed Modification of the Uniform Chimney Variance To Include Industrial Access, Inc., and Marietta Silos LLC

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of applications for a permanent variance and request for comments.

SUMMARY: OSHA proposes to modify the uniform chimney variance granted to Kiewit Power Constructors Co. and other employers (see 78 FR 60900) by adding Industrial Access, Inc., and Marietta Silos LLC (''Industrial Access and Marietta Silos'' or ''the applicants'') to the list of employers covered by the conditions specified in that variance. OSHA invites the public to submit comments on this proposed modification.

DATES: Submit comments, information, and documents in response to this notice, or requests for a hearing or an extension of time to make a submission, on or before May 19, 2014.

ADDRESSES: Submit comments and requests by any of the following methods:

Electronically: Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Facsimile: If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648. Instead of transmitting facsimile copies of attachments that supplement the comments (e.g., studies, journal articles), commenters may submit these attachments to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210. These attachments must clearly identify the sender's name, date, subject, and docket number (*i.e.,* OSHA–2012–0015) so that the Agency can attach them to the appropriate comments.

Regular or express mail, hand delivery, or messenger (courier) service: Submit a copy of comments and any attachments to the OSHA Docket Office, Docket No. OSHA–2012–0015, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW.,

Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TDY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

Instructions: All faxed and written submissions must include the Agency name and the OSHA docket number (OSHA–2012–0015). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers and birth dates.

Docket: To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office at the address or telephone number listed above for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press Inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and Technical Information: Contact Mr. David Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *johnson.david.w@dol.gov.* OSHA's Web page includes information about the Variance Program (see *http://www.osha.gov/dts/otpca/variances/index.html*).

SUPPLEMENTARY INFORMATION:

Copies of this **Federal Register** *notice.* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's Web page at *http://www.osha.gov.*

Hearing requests. OSHA is issuing this notice pursuant to 29 CFR 1905.13 (''Modification, revocation, and renewal of rules or orders''). Paragraph (a)(2) of that provision states that requests for a hearing must explain (1) how the proposed modification would affect the requesting party, and (2) what the requesting party is seeking to show regarding the subjects or issues involved.

I. Background

Between 1973 and 2010, OSHA granted to a number of chimney-construction companies permanent variances from the provisions of the OSHA standards that regulate boatswains' chairs and hoist towers, specifically, paragraph (o)(3) of 29 CFR 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552.[1] On October 2, 2013, the Agency granted a permanent multi-state uniform chimney variance to 15 construction employers (Kiewit *et al;* 78 FR 60900). The uniform chimney variance: (1) Clarified, improved, and updated the technology and safeguards included in the conditions of the variance by citing the most recent consensus standards and best practices; (2) broadened and standardized the scope of the uniform chimney variance to apply to chimney-related construction, including work on chimneys, chimney linings, stacks, silos, towers, and similar structures, built using jump-form and slip-form methods of construction, regardless of the structural configuration, and that involve the use of temporary personnel hoist systems; (3) provided consistent and safe variance conditions across the employers applying for, and granted, the uniform chimney variance; and (4) superseded and replaced the chimney-related construction variances granted between 1973 and 2010.

[1] See 38 FR 8545 (April 3, 1973), 44 FR 51352 (August 31, 1979), 50 FR 20145 (May 14, 1985), 50 FR 40627 (October 4, 1985), 52 FR 22552 (June 12, 1987), 68 FR 52961 (September 8, 2003), 70 FR 72659 (December 6, 2005), 71 FR 10557 (March 1, 2006), 72 FR 6002 (February 8, 2007), 74 FR 34789 (July 17, 2009), 74 FR 41742 (August 18, 2009), and 75 FR 22424 (April 28, 2010).

II. Notice of Applications

On December 6, 2013, Industrial Access, Inc., and on February 7, 2014, Marietta Silos LLC, submitted their respective applications for a permanent variance under Section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and 29 CFR 1905.11 (''Variances and other relief under section 6(d)'') (see Exs. OSHA–2012–0015–0023 and 0024). The applicants construct, renovate, repair, maintain, inspect, and demolish tall chimneys and similar structures made of concrete, brick, and steel. This work, which occurs throughout the United States, requires the applicants to transport employees and construction tools and materials to and from elevated worksites located inside and outside these structures. The applicants' names and addresses are as follows: Industrial Access, Inc., 1155 McFarland 400 Drive, Alpharetta, GA 30004. Marietta Silos LLC, 2417 Waterford Road, Marietta, OH 45750.

The applicants seek a permanent variance from 29 CFR 1926.452(o)(3), which regulates the tackle used to rig a boatswains' chair, as well as from paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552, which regulate hoist towers. These paragraphs specify the following requirements:

- (o)(3)—Requirements for the tackle used to rig a boatswains' chair;
- (c)(1)—Construction requirements for hoist towers outside a structure;
- (c)(2)—Construction requirements for hoist towers inside a structure;
- (c)(3)—Anchoring a hoist tower to a structure;
- (c)(4)—Hoistway doors or gates;
- (c)(8)—Electrically interlocking entrance doors or gates to the hoistway and cars;
- (c)(13)—Emergency stop switch located in the car;
- (c)(14)(i)—Using a minimum of two wire ropes for drum hoisting; and
- (c)(16)—Material and component requirements for construction of personnel hoists.

Instead of complying with these requirements, the applicants propose to use the alternative conditions specified by OSHA for these requirements in the uniform chimney variance. The applicants contend that including them under the conditions of the uniform chimney variance would provide their employees with a place of employment that is at least as safe and healthful as these employees would receive under the existing provisions.

As is the case with the uniform chimney variance, the places of employment affected by the variance applications are the present and future projects where the applicants construct chimneys and chimney-related structures using jump-form and slip-form construction [2] techniques and procedures, regardless of structural configuration when such construction involves the use of temporary personnel hoist systems. The applicants' projects would be in states under federal authority, as well as states that have safety and health plans approved by OSHA under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR part 1952 (''Approved State Plans for Enforcement of State Standards''). The affected states cover private-sector employers and have standards identical to the standards that are the subject of these applications, and these states agree to the terms of the variance. (For further information, see the discussion of State-plan coverage for the uniform chimney variance at 78 FR 60900, 60901.)

The proposed variance would permit the applicants to operate temporary hoist systems in the manner prescribed by the uniform chimney variance. According the conditions of the uniform chimney variance, the applicants would use these temporary hoist systems to raise and lower workers to and from elevated worksites. Examples of elevated worksites where temporary hoist systems would operate include: Chimneys, chimney linings, stacks, silos, and chimney-related structures such as towers and similar structures constructed using jump-form and slip-form construction techniques and procedures regardless of the structural configuration of the structure (such as tapered or straight barreled of any diameter).

The applicants certify that they provided the employee representatives of the affected employees [3] with a copy of their respective variance applications. The applicants also certify that they notified their employees of the respective variance applications by posting a copy of the respective applications at locations where they normally post notices to their employees, and by other appropriate means. In addition, the applicants attest that they informed their employees and their representatives of their right to petition the Assistant Secretary of Labor for Occupational Safety and Health for a hearing on their variance applications.

If granted, OSHA would add the applicants to the employers listed in the uniform chimney variance. Therefore, the applicants would comply with conditions that are consistent with the conditions used by the other employers listed in the uniform chimney variance when operating temporary hoist systems in the construction of chimney-related structures.

III. Specific Conditions of the Variance Applications

As mentioned previously in this notice, OSHA has granted a number of permanent variances since 1973 from the tackle requirements for boatswains' chairs in 29 CFR 1926.452(o)(3) and the requirements for hoist towers specified by paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552. In view of the OSHA's history, knowledge, and experience with the variances granted for chimney-related construction, OSHA finds that the variance applications submitted by Industrial Access and Marietta Silos are consistent with the uniform chimney variance previously granted to other employers in the construction industry. Therefore, OSHA preliminarily determined that the alternative conditions specified by the applications will protect the applicants' workers at least as effectively as the requirements of 29 CFR 1926.452(o)(3) and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552.

Pursuant to the provisions of 29 CFR 1905.13 (''Modification, revocation, and renewal of rules or orders''), OSHA is notifying the public that Industrial Access and Marietta Silo are proposing to modify the uniform chimney variance granted previously by OSHA to Kiewit Power Constructors Co. and other employers (see 78 FR 60900) by adding them to the list of employers granted authority by the Agency to apply the conditions specified in the uniform chimney variance when operating temporary hoist systems in the construction of chimney-related structures. Accordingly, section VI (''Order'') of the uniform chimney variance provides the alternate conditions to which Industrial Access and Marietta Silos would have to comply should OSHA grant them this modification to the uniform chimney variance. OSHA invites the public to submit comments on this proposed modification to the uniform chimney variance.

IV. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 655, Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR part 1905.

Signed at Washington, DC, on April 15, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–08900 Filed 4–17–14; 8:45 am]

BILLING CODE 4510–26–P

[2] Throughout this notice, OSHA uses the terms ''jump-form construction'' and ''slip-form construction'' instead of ''jump-form formwork construction'' and ''slip-form formwork construction,'' respectively.

[3] ''Affected employees'' are employees affected by the permanent variance should OSHA grant it.

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0077]

Proposed Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses Are Met

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed ITAAC hearing procedures; public meeting; and request for comments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is developing generic procedures for conducting hearings on whether acceptance criteria in combined licenses are met. These acceptance criteria are part of the inspections, tests, analyses, and acceptance criteria (ITAAC) included in the combined license for a nuclear reactor. Reactor operation may commence only if and after the NRC finds that these acceptance criteria are met. The proposed generic hearing procedures are being issued for public comment. After these generic hearing procedures are finalized, the Commission will use them (with appropriate modifications) in case-specific orders to govern hearings on conformance with the acceptance criteria. The NRC intends to hold a public meeting during the comment period to discuss the proposed procedures.

DATES: Submit comments by July 2, 2014. Comments received after this date will be considered if it is practical to do so, but it is unlikely that consideration of late comments will be practical because of the need to finalize the generic procedures on an expedited basis to support preparation for upcoming hearings for reactors currently under construction.

The NRC intends to hold a public meeting on May 21, 2014, to discuss the proposed procedures. This public meeting will be for information exchange purposes only; no comments will be received at the public meeting. Any stakeholders wishing to comment on the procedures must do so by the means described in this notice.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0077. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For questions about the procedures, 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 (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: Michael A. Spencer, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone 301–415–4073, email: *Michael.Spencer@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0077 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–2014–0077.
- *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.* For the convenience of the reader, instructions about accessing documents referenced in this document are provided in the ''Availability of Documents'' section.
- *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–2014–0077 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 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. Introduction

The NRC promulgated Part 52 of Title 10 of the *Code of Federal Regulations* (CFR) on April 18, 1989 (54 FR 15386) to reform the licensing process for future nuclear power plant applicants. The rule added alternative licensing processes in 10 CFR Part 52 for early site permits (ESPs), standard design certifications, and combined licenses (COLs). These were additions to the two-step licensing process that already existed in 10 CFR Part 50. The processes in 10 CFR Part 52 are intended to facilitate early resolution of safety and environmental issues and to enhance the safety and reliability of nuclear power plants through standardization. The centerpiece of 10 CFR Part 52 is the COL, which resolves the safety and environmental issues associated with construction and operation before construction begins. Applicants for a COL are able to reference other NRC approvals (e.g., ESPs and design certifications) that resolve a number of safety and environmental issues that would otherwise need to be resolved in the COL proceeding.

After the promulgation of 10 CFR Part 52 in 1989, the Energy Policy Act of 1992 (EPAct), Public Law 102–486, added several provisions to the Atomic Energy Act of 1954, as amended (AEA), regarding the COL process, including provisions on ITAAC. The inclusion of ITAAC in the COL is governed by Section 185b. of the AEA, and hearings on conformance with the acceptance criteria in the ITAAC are governed by Section 189a.(1)(B) of the AEA. On December 23, 1992 (57 FR 60975), the Commission revised 10 CFR Part 52 to conform to the EPAct. Further additions and revisions to the regulations governing hearings on conformance with the acceptance criteria were made in the final rule entitled ''Licenses, Certifications, and Approvals for Nuclear Power Plants'' (2007 Part 52 Rule) (72 FR 49352; August 28, 2007), and in the final rule entitled ''Requirements for Maintenance of Inspections, Tests, Analyses, and Acceptance Criteria'' (ITAAC Maintenance Rule) (77 FR 51880; August 28, 2012).

The ITAAC are an essential feature of Part 52. To issue a COL, the NRC must make a predictive finding that the facility will be constructed and will be operated in accordance with the license, the AEA, and NRC rules and regulations. The ITAAC are used to ensure that, prior to facility operation, the facility has been constructed and will be operated in accordance with the license, the AEA, and NRC rules and regulations. The ITAAC are verification requirements that include both the means of verification (the inspections, tests, or analyses) and the standards that must be satisfied (the acceptance criteria). Facility operation cannot commence until the NRC finds, under 10 CFR 52.103(g), that all acceptance criteria in the COL are met. Consistent with the NRC's historical understanding, facility operation begins with the loading of fuel into the reactor. After the NRC finds that the acceptance criteria are met, 10 CFR 52.103(h) provides that the ITAAC cease to be requirements either for the licensee or for license renewal. All of the ITAAC for a facility, including those reviewed and approved as part of an ESP or a design certification, are included in an appendix to the COL.[1]

[1] *See, e.g.,* Vogtle Unit 3 Combined License, Appendix C (ADAMS Accession No.

Continued

As the licensee completes the construction of structures, systems, and components (SSCs) subject to ITAAC, the licensee will perform the inspections, tests, and analyses for these SSCs and document the results onsite. NRC inspectors will inspect a sample of the ITAAC to ensure that the ITAAC are successfully completed.[2] This sample is chosen using a comprehensive selection process to provide confidence that both the ITAAC that have been directly inspected and the ITAAC that have not been directly inspected are successfully completed.

For every ITAAC, the licensee is required by 10 CFR 52.99(c)(1) to submit an ITAAC closure notification to the NRC explaining the licensee's basis for concluding that the inspections, tests, and analyses have been performed and that the acceptance criteria are met. These ITAAC closure notifications are submitted throughout construction as ITAAC are completed. Licensees are expected to ''maintain'' the successful completion of ITAAC after the submission of an ITAAC closure notification. If an event subsequent to the submission of an ITAAC closure notification materially alters the basis for determining that the inspections, tests, and analyses were successfully performed or that the acceptance criteria are met, then the licensee is required by 10 CFR 52.99(c)(2) to submit an ITAAC post-closure notification documenting its successful resolution of the issue. The licensee must also notify the NRC when all ITAAC are complete as required by 10 CFR 52.99(c)(4). These notifications, together with the results of the NRC's inspection process, serve as the basis for the NRC's 10 CFR 52.103(g) finding regarding whether the acceptance criteria in the COL are met.

One other required notification, the uncompleted ITAAC notification, must be submitted at least 225 days before scheduled initial fuel load and must describe the licensee's plans to complete the ITAAC that have not yet been completed. 10 CFR 52.99(c)(3). An important purpose served by this notification is to provide sufficient information to members of the public to allow them a meaningful opportunity to request a hearing and submit contentions on uncompleted ITAAC within the required timeframes. When the uncompleted ITAAC are later completed, the licensee must submit an ITAAC closure notification pursuant to 10 CFR 52.99(c)(1).

As the Commission stated in the ITAAC Maintenance Rule (77 FR 51887), the notifications required by 10 CFR 52.99(c) serve the dual purposes of ensuring (1) that the NRC has sufficient information to complete all of the activities necessary for it to find that the acceptance criteria are met, and (2) that interested persons will have access to information on both completed and uncompleted ITAAC sufficient to address the AEA threshold for requesting a hearing under Section 189a.(1)(B) on conformance with the acceptance criteria.

The NRC regulations that directly relate to the ITAAC hearing process are in 10 CFR 2.105, 2.309, 2.310, 2.340, 2.341, 51.108, and 52.103. Because 10 CFR 52.103 establishes the most important requirements regarding operation under a combined license, including basic aspects of the associated hearing process, NRC regulations often refer to the ITAAC hearing process as a ''proceeding under 10 CFR 52.103.'' Additional regulations governing the ITAAC hearing process are in the design certification rules, which are included as appendices to 10 CFR Part 52, for example, ''Design Certification Rule for the AP1000 Design,'' 10 CFR Part 52, Appendix D, Paragraphs VI.B, VIII.B.5.g, and VIII.C.5. In addition, the Commission announced several policy decisions regarding the conduct of ITAAC hearings in its final policy statement entitled ''Conduct of New Reactor Licensing Proceedings'' (2008 Policy Statement) (73 FR 20963; April 17, 2008).

While NRC regulations address certain aspects of the ITAAC hearing process, they do not provide detailed procedures for the conduct of an ITAAC hearing. As provided by 10 CFR 2.310(j), proceedings on a Commission finding under 10 CFR 52.103(c) and (g) shall be conducted in accordance with the procedures designated by the Commission in each proceeding. The use of case-specific orders to impose case-specific hearing procedures reflects the flexibility afforded to the NRC by Section 189a.(1)(B)(iv) of the AEA, which provides the NRC with the discretion to determine the appropriate procedures for an ITAAC hearing, whether formal or informal. A case-specific approach has the advantage of allowing the NRC to tailor the procedures to the specific matters in controversy to conduct the proceeding more efficiently. In addition, the NRC can more swiftly implement lessons learned from the first ITAAC hearings to future proceedings. This approach is particularly beneficial given that this is a first-of-a-kind hearing process.

The NRC recognizes, however, that the predictability and efficiency of the ITAAC hearing process would be greatly enhanced by the development, to the extent possible, of generalized procedures that can be quickly and easily adapted to the specific features of individual proceedings. The Commission, in its July 19, 2013 staff requirements memorandum (SRM) on SECY–13–0033, ''Allowing Interim Operation Under Title 10 of the Code of Federal Regulations Section 52.103,'' (ADAMS Accession Nos. ML13200A115 and ML12289A928) directed the NRC staff, the Office of the General Counsel (OGC), and the Office of Commission Appellate Adjudication (OCAA) to develop options for ITAAC hearing formats for Commission review and approval. The Commission further directed that the ITAAC hearing procedures ''be developed, deliberated, and resolved within the next 12 to 18 months.'' Pursuant to this direction, the NRC staff, OGC, and OCAA (together, ''the Staff'') have jointly developed the generic ITAAC hearing procedures that are described and referenced in this notice. After considering the comments made on these procedures, the Staff will modify the general procedures as appropriate and submit the modified procedures, along with responses to comments on the proposed procedures, to the Commission for review and approval later in 2014.

III. Public Meeting

In addition to the comment request period, the NRC intends to hold a public meeting on May 21, 2014, to discuss the proposed procedures. This public meeting will be for information exchange purposes only; no comments will be received at the public meeting. Any stakeholders wishing to comment on the procedures must do so by the means described in this notice. The public meeting will be held at the NRC's headquarters in Rockville, MD. Further information regarding the specific time and location of the meeting will be included in a public meeting notice to be issued in the future. This public meeting notice will be made available electronically in ADAMS and posted on the NRC's Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm.* The agenda for the public meeting will be noticed no fewer than 10 days prior to the meeting on the Public Meeting Schedule Web site. Any meeting updates or changes will be made available on this Web site. Information regarding topics to be discussed,

ML112991102). There are 875 ITAAC in the Vogtle COL.

[2] In addition to ITAAC for SSCs, there are ITAAC related to the emergency preparedness program and physical security hardware. The NRC will inspect the performance of all emergency preparedness program and physical security hardware ITAAC.

changes to the agenda, whether the meeting has been cancelled or rescheduled, and the time allotted for public comments can be obtained from the Public Meeting Schedule Web site.

IV. Existing Law and Policy Governing ITAAC Hearings

In developing ITAAC hearing procedures, the Staff has implemented existing law and policy governing ITAAC hearings. In particular, the procedures were developed with an eye toward the overarching statutory requirement for the expeditious completion of an ITAAC hearing found in AEA § 189a.(1)(B)(v). This section provides that the Commission shall, to the maximum possible extent, render a decision on issues raised by the hearing request within 180 days of the publication of the notice of intended operation or the anticipated date for initial loading of fuel into the reactor, whichever is later. Other provisions of existing law and policy, the discussion of which directly follows, may be grouped into three categories: (1) Provisions relating to hearing requests, (2) provisions relating to interim operation, and (3) provisions relating to the initial decision of the presiding officer on contested issues after a hearing.

A. Hearing Request

Section 189a.(1)(B)(i) of the AEA and 10 CFR 52.103(a) provide that not less than 180 days before the date scheduled for initial loading of fuel into the reactor, the NRC will publish in the **Federal Register** a notice of intended operation, which will provide that any person whose interest may be affected by operation of the plant may within 60 days request the Commission to hold a hearing on whether the facility as constructed complies, or on completion will comply, with the acceptance criteria of the license. The contents of the notice of intended operation are governed by 10 CFR 2.105. With respect to the timing of this notice, the Commission's goal is to publish the notice of intended operation 210 days before scheduled fuel load (72 FR 49367), and, as explained later in this notice, the NRC proposes to publish the notice of intended operation even earlier, if possible.

Hearing requests are governed by 10 CFR 2.309. In accordance with 10 CFR 2.309(a), a hearing request in a proceeding under 10 CFR 52.103 must include a demonstration of standing and contention admissibility, and 10 CFR 2.309(a) does not provide a discretionary intervention exception for ITAAC hearings as it provides for other proceedings. Thus, discretionary intervention pursuant to § 2.309(e) does not apply to ITAAC hearings as it does to other proceedings. As reflected in 10 CFR 2.309(f)(1)(i), the issue of law or fact to be raised in an ITAAC hearing request must be directed at demonstrating that one or more of the acceptance criteria in the combined license have not been, or will not be met, and that the specific operational consequences of nonconformance would be contrary to providing reasonable assurance of adequate protection of the public health and safety.[3]

In addition to the normal requirements for hearing requests, ITAAC hearing requests must, as required by AEA § 189a.(1)(B)(ii), show, *prima facie,* that one or more of the acceptance criteria in the combined license have not been, or will not be met, and must show, *prima facie,* the specific operational consequences of nonconformance that would be contrary to providing reasonable assurance of adequate protection of the public health and safety. This required ''*prima facie*'' showing is implemented in 10 CFR 2.309(f)(1)(vii). Section 2.309(f)(1)(vii) also provides a process for petitioners to claim that a licensee's 10 CFR 52.99(c) report is incomplete and that this incompleteness prevents the petitioner from making the necessary *prima facie* showing. To employ this process, which this notice terms a ''claim of incompleteness,'' the petitioner must identify the specific portion of the licensee's 10 CFR 52.99(c) report that is incomplete and explain why this deficiency prevents the petitioner from making the necessary *prima facie* showing.

Also, as provided by 10 CFR 51.108, the NRC is not making any environmental finding in connection with its finding under 10 CFR 52.103(g) that the acceptance criteria are met, and the Commission will not admit any contentions on environmental issues in an ITAAC hearing. Instead, the 10 CFR 52.103(g) finding is a categorical exclusion as provided in 10 CFR 51.22(c)(23).[4] As the Commission explained (72 FR 49428) when promulgating 10 CFR 51.108 and 10 CFR 51.22(c)(23): (1) The major federal action with respect to facility operation is issuing the COL because the COL authorizes operation subject to successful completion of the ITAAC; (2) the environmental effects of operation are evaluated in the COL environmental impact statement; and (3) the 52.103(g) finding is constrained by the terms of the ITAAC, i.e., it involves only a finding on whether the predetermined acceptance criteria are met. Therefore, the environmental effects of operation were considered, and an opportunity for a hearing on these effects was provided, during the proceeding on issuance of the COL.

Design certification rules contain additional provisions regarding ITAAC hearing requests. Any proceeding for a reactor referencing a certified design would be subject to the design certification rule for that particular design. For example, any ITAAC hearing for a plant referencing the AP1000 Design Certification Rule in 10 CFR Part 52, Appendix D, would be subject to the requirements of 10 CFR Part 52, Appendix D. Paragraph VIII.B.5.g of 10 CFR Part 52, Appendix D, establishes a process for parties who believe that a licensee has not complied with Paragraph VIII.B.5 when departing from Tier 2 information to petition to admit such a contention into the proceeding.[5] Among other things, such a contention must bear on an asserted noncompliance with the ITAAC acceptance criteria and must also comply with the requirements of 10 CFR 2.309. Paragraph VIII.C.5 establishes a process whereby persons who believe that a change must be made to an operational requirement approved in the design control document or a technical specification (TS) derived from the generic TS may petition to admit such a contention into the proceeding if certain requirements, in addition to those set forth in 10 CFR 2.309, are met.

In accordance with 10 CFR 2.309(i), answers to hearing requests are due in 25 days and no replies to answers are permitted. As reflected in 10 CFR 2.309(j)(2), the Commission has decided that it will act as the presiding officer for determining whether to grant the hearing request. In accordance with

[3] Because the ITAAC were previously approved by the NRC and were subject to challenge as part of the COL proceeding, a challenge to the ITAAC themselves will not give rise to an admissible contention, but the ITAAC could be challenged in a petition to modify the terms and conditions of the COL that is filed under 10 CFR 52.103(f). *See* 2007 Part 52 Rule, 72 FR 49367 n.3. Such petitions must be filed with the Secretary of the Commission and will be processed in accordance with 10 CFR 2.206. Because 10 CFR 52.103(f) petitions are outside the scope of the ITAAC hearing process, the 10 CFR 52.103(f) process is outside the scope of this notice.

[4] A ''categorical exclusion'' is a procedural mechanism by which a class of actions has been found not to have any significant environmental effect, and is therefore categorically excluded from the need for further environmental review.

[5] Tier 2 information is a category of information in a design control document that is incorporated by reference into a design certification rule. The definition of Tier 2 for the AP1000 design certification can be found at 10 CFR Part 52, Appendix D, Paragraph II.E.

AEA § 189a.(1)(B)(iii) and 10 CFR 2.309(j)(2), the Commission will expeditiously grant or deny the hearing request. As stated in 10 CFR 2.309(j)(2), this Commission decision may not be the subject of an appeal under 10 CFR 2.311. If a hearing request is granted, the Commission will designate the procedures that govern the hearing as provided by 10 CFR 2.310(j). In accordance with 10 CFR 2.309(g), hearing requests (and by extension answers to hearing requests) are not permitted to address the selection of hearing procedures under 10 CFR 2.310 for an ITAAC hearing.[6]

B. Interim Operation

The AEA provides for the possibility of interim operation, which is operation of the plant pending the completion of an ITAAC hearing. The potential for interim operation arises if the Commission grants a hearing request that satisfies the requirements of AEA § 189a.(1)(B)(ii). If the hearing request is granted, AEA § 189a.(1)(B)(iii) directs the Commission to allow interim operation if it determines, after considering the petitioners' *prima facie* showing and any answers thereto, that there will be reasonable assurance of adequate protection of the public health and safety during a period of interim operation. As is evident from the statutory text, Congress included the interim operation provision to prevent an ITAAC hearing from unnecessarily delaying plant operation if the hearing extends beyond scheduled fuel load.[7] As provided by 10 CFR 52.103(c), the Commission will make the adequate protection determination for interim operation acting as the presiding officer. In accordance with 10 CFR 2.341(a), parties are prohibited from seeking further Commission review of a Commission decision allowing interim operation.

A number of issues concerning interim operation are discussed in SECY–13–0033 and the associated SRM, including the following points relevant to the development of ITAAC hearing procedures:

- The legislative history of the EPAct indicates that Congress did not intend the Commission to rule on the merits of the petitioner's *prima facie* showing when making the adequate protection determination for interim operation. Instead, Congress intended interim operation for situations in which the petitioner's *prima facie* showing relates to an asserted adequate protection issue that will not arise during the interim operation period, or in which mitigation measures can be taken to preclude potential adequate protection issues during the period of interim operation.
- Because AEA § 185b. requires the NRC to find that the acceptance criteria are met prior to operation, interim operation cannot be allowed until the NRC finds under 10 CFR 52.103(g) that all acceptance criteria are met, including those acceptance criteria that are the subject of an ITAAC hearing.
- The NRC staff proposed, and the Commission approved, that the 52.103(g) finding be delegated to the NRC staff. Among other things, this delegation means that the Commission will not make, in support of interim operation, a merits determination prior to the completion of the hearing on whether the acceptance criteria are met.
- For operational programs and requirements that are required to be implemented upon a 10 CFR 52.103(g) finding, these programs and requirements would also be implemented in the event that the Commission allows interim operation in accordance with 10 CFR 52.103(c), given that the 10 CFR 52.103(g) finding would be made in support of interim operation.
- As provided by 10 CFR 52.103(h), ITAAC no longer constitute regulatory requirements after the 10 CFR 52.103(g) finding is made. In addition, ITAAC post-closure notifications pursuant to 10 CFR 52.99(c)(2) are only required until the 10 CFR 52.103(g) finding is made. Therefore, ITAAC maintenance activities and associated ITAAC post-closure notifications would no longer be necessary or required after a 10 CFR 52.103(g) finding, including during any period of interim operation.

C. Initial Decision

After the completion of an ITAAC hearing, the presiding officer will issue an initial decision pursuant to 10 CFR 2.340(c) on whether the acceptance criteria have been or will be met. As provided by 10 CFR 2.340(f), an initial decision finding that acceptance criteria in a COL have been met is immediately effective upon issuance unless the presiding officer finds that good cause has been shown by a party why the initial decision should not become immediately effective. In accordance with 10 CFR 2.340(j), the Commission or its delegate (i.e., the NRC staff) will make the 10 CFR 52.103(g) finding within 10 days from the date of issuance of the initial decision, if:

(1) The Commission or its delegate can find that the acceptance criteria not within the scope of the initial decision are met,

(2) the presiding officer has issued a decision that the contested acceptance criteria have been met or will be met, and the Commission or its delegate can thereafter find that the contested acceptance criteria are met, and

(3) notwithstanding the pendency of a 10 CFR 2.345 petition for reconsideration, a 10 CFR 2.341 petition for review, a 10 CFR 2.342 stay motion, or a 10 CFR 2.206 petition.

Section 2.340(j) is intended to describe how the 52.103(g) finding may be made after an initial decision by the presiding officer that the acceptance criteria have been, or will be, met. However, in amending § 2.340(j) in the ITAAC Maintenance Rule, the Commission stated (77 FR 51885–86) that § 2.340(j) was being amended to ''clarify some of the possible paths'' for making the 52.103(g) finding after the presiding officer's initial decision and that § 2.340(j) ''is not intended to be an exhaustive 'roadmap' to a possible 10 CFR 52.103(g) finding that acceptance criteria are met.'' Thus, there may be situations in which the mechanism and circumstances described by 10 CFR 2.340(j) are not wholly applicable. For example, if interim operation is allowed, then the 52.103(g) finding will have been made prior to the initial decision. In such a case, there is no need for another 52.103(g) finding after an initial decision finding that the contested acceptance criteria have been met because the initial decision will have confirmed the correctness of the 52.103(g) finding with respect to the contested acceptance criteria.[8]

V. General Approach to ITAAC Hearing Procedure Development

With these procedures, the Staff has attempted to develop an efficient and feasible process that is consistent with existing law and policy and that will allow the presiding officer and the parties a fair opportunity to develop a sound record for decision. To achieve

[6] However, this notice is affording interested stakeholders the opportunity to comment on the procedures that the Commission will employ in an ITAAC hearing (with appropriate modifications in specific cases).

[7] The pertinent legislative history supports this view. 138 Cong. Rec. S1686 (February 19, 1992) (statement of Sen. Johnston); S. Rep. No. 102–72 at 296 (1991).

[8] Other scenarios not covered by 10 CFR 2.340(j) include those in which the presiding officer does not find that the acceptance criteria have been or will be met, a decision which might be made after a period of interim operation has been authorized. How a negative finding by the presiding officer would be resolved by a licensee, and the effect such a finding would have on interim operation, would depend on the facts of the case and the nature of the presiding officer's decision. Therefore, such eventualities are not further addressed in these generic procedures.

this objective, the Staff has used the following general approach.

A. Use of Existing Part 2 Procedures

The procedures described in this notice are based on the NRC's rules of practice in 10 CFR Part 2, modified as necessary to conform to the expedited schedule and specialized nature of ITAAC hearings. The ITAAC hearing procedures have been modeled on the existing rules of practice because the existing rules have proven effective in promoting a fair and efficient process in adjudications and there is a body of experience and precedent interpreting and applying these provisions. In addition, using the existing rules to the extent possible could make it easier for potential participants in the hearing to apply the procedures if they are already familiar with the existing rules.

B. Choice of Presiding Officer To Conduct an Evidentiary Hearing

While the Commission has decided that it will be the presiding officer for the purposes of deciding whether to grant hearing requests, designating hearing procedures, and determining whether there is adequate protection during interim operation, the Commission has not yet decided what entity will serve as the presiding officer for an evidentiary hearing on admitted contentions. For the evidentiary hearing, the Commission or a licensing board might serve as the presiding officer, or the presiding officer might be a single legal judge (assisted as appropriate by technical advisors). Therefore, the Staff has developed procedures that will accommodate all of these possibilities.

If the Commission chooses not to conduct the evidentiary hearing, then the presiding officer would be a licensing board or a single legal judge. In the proposed procedures, the Commission would delegate to the Chief Administrative Judge the choice of whether to employ a licensing board or a single legal judge (assisted as appropriate by technical advisors). However, the Commission would retain the option of choosing who will conduct the evidentiary hearing in each proceeding.

With the exception of procedures that specifically pertain to interactions between the Commission and a licensing board (or single legal judge assisted as appropriate by technical advisors), the procedures for an ITAAC hearing are the same whether the presiding officer is the Commission, a licensing board, or a single legal judge. Depending on the Commission's choice of presiding officer for the evidentiary hearing, procedures pertaining to interactions between the Commission and a licensing board (or single legal judge assisted as appropriate by technical advisors) will be retained or omitted.[9]

C. Schedule

As explained earlier, AEA § 189a.(1)(B)(v) provides that the Commission shall, to the maximum possible extent, render a decision on issues raised by the hearing request within 180 days of the publication of the notice of intended operation or the anticipated date for initial loading of fuel into the reactor, whichever is later. While the AEA does not require that the hearing be completed by the later of these two dates in all cases, the procedures described in this notice have been developed with the intent of satisfying the statutory goal for timely completion of the hearing. However, there may be cases where the ITAAC hearing extends beyond scheduled initial fuel load because of unusual situations or because of circumstances beyond the control of the NRC.

Because the Commission intends to publish the notice of intended operation 210 days before scheduled initial fuel load, the later of the two dates identified in AEA § 189a.(1)(B)(v) will, in practice, be scheduled initial fuel load. Of these 210 days, 85 days will be consumed by the 60-day period for filing hearing requests and the 25-day period for filing answers to hearing requests. Thus, meeting the statutory goal for completing the hearing will ordinarily require that the NRC be able to determine whether to grant the hearing request, hold a hearing on any admitted contentions, and render a decision after hearing within 125 days of the submission of answers to hearing requests.[10]

To meet the statutory objective for timely completion of the hearing, the NRC must complete the hearing process much faster than is usually achieved in NRC practice for other hearings. However, the ITAAC hearing process is different from other NRC hearings in that the contested issues will be narrowly constrained by the terms of the ITAAC and the required *prima facie* showing. In addition, the NRC anticipates that with the required *prima facie* showing and the answers thereto, the parties will have already substantially established their hearing positions and marshalled their supporting evidence. Furthermore, the parties' initial filings, in conjunction with other available information (including licensee ITAAC notifications describing the completion, or the plans for completing, each ITAAC), will provide the parties with at least a basic understanding of the other parties' positions from the beginning of the proceeding.

Given the differences between an ITAAC hearing and other NRC hearings, the Staff took several steps to expedite the ITAAC hearing process. The most important step is that the hearing preparation period will begin as soon as the hearing request is granted. In other NRC proceedings associated with license applications, hearing requests are due soon after the license application is accepted for NRC staff review, and the preparation of pre-filed written testimony and position statements does not begin until months or years later, after the NRC staff completes its review. However, the parties to an ITAAC hearing can begin preparing their testimony and position statements as soon as a hearing request is granted given the focused nature of an ITAAC hearing and given the information and evidence already available to, and established by, the parties at that point in the proceeding. Beginning the hearing preparation process upon the granting of a hearing request is expected to dramatically reduce the length of the hearing process, which should reduce overall resource burdens on participants in the hearing.[11]

Another important step is to eliminate procedures from the hearing process

[9] For simplicity of discussion and unless otherwise noted, the remainder of this notice will use ''licensing board'' rather than ''licensing board (or single legal judge assisted as appropriate by technical advisors).'' Any procedure that would apply to a licensing board would also apply to a single legal judge if a single legal judge were selected to be the presiding officer.

[10] A licensee is required by 10 CFR 52.103(a) to notify the NRC of its scheduled date for initial fuel load no later than 270 days before the scheduled date and to update its schedule every 30 days thereafter. Thus, a licensee might, in a schedule update after the issuance of the notice of intended operation, attempt to move its scheduled fuel load date to an earlier time. However, a contraction of the initial fuel load schedule after the issuance of the notice of intended operation is contrary to the intent of the AEA. The AEA contemplates that the hearing process will be triggered, and the schedule will in part be determined, by issuance of the notice of intended operation, the timing of which is based on the fuel load schedule that the licensee provides to the NRC before the issuance of the notice of intended operation.

[11] Some stakeholders have complained that a lengthy NRC hearing process requires greater resources from intervenors. *See* Anthony Z. Roisman, Comments on Proposed Amendments to Adjudicatory Process Rules and Related Requirements (76 FR 10781), at 2–4 (April 26, 2011) (ADAMS Accession No. ML11119A231); Letter from Diane Curran to NRC Commissioners, Comments on NRC Public Participation Process, at 10, 12 (February 26, 2013) (ADAMS Accession No. ML13057A975).

that are time-consuming, resource-intensive, and unnecessary under the particular circumstances of an ITAAC proceeding. For example, because the hearing will be concluded within a few months of the granting of a hearing request, there is little purpose served by summary disposition motions and contested motions to dismiss.[12] In addition, by preparing ahead of time detailed procedures for the conduct of ITAAC hearings, the NRC is avoiding delays that might occur if detailed procedures were not developed and the presiding officer needed to make ad hoc decisions on how to address foreseeable issues that could have been considered earlier.

To instill discipline with respect to meeting the hearing schedule, the ITAAC hearing procedures provide that the Commission, when imposing procedures for the conduct of the hearing, will set a strict deadline for the issuance of a presiding officer's initial decision after the hearing. This strict deadline can only be extended upon a showing that ''unavoidable and extreme circumstances'' [13] necessitate the delay. This strict deadline provision, which would be included whether the Commission or a licensing board is the presiding officer, will serve to prevent delays in the hearing decision, including delays in any intermediate step of the hearing process that might delay the hearing decision.

The procedures in this notice have been developed on the assumption that the notice of intended operation will be issued 210 days before scheduled fuel load. There is a practical difficulty with issuing the notice of intended operation earlier than 210 days before scheduled fuel load: Uncompleted ITAAC notifications are not required to be submitted until 225 days before scheduled fuel load. Until these uncompleted ITAAC notifications are received, members of the public will not have a basis on which to file contentions with respect to uncompleted ITAAC. Thus, the notice of intended operation cannot be issued until after the receipt and processing of all uncompleted ITAAC notifications. Nevertheless, if a licensee voluntarily submits all uncompleted ITAAC notifications somewhat earlier than 225 days before scheduled initial fuel load, then the notice of intended operation could be issued earlier. Even though early submission is not required by NRC regulations, the NRC would like to explore the possibility of a licensee's voluntary early submittal, thereby permitting the NRC to issue the notice of intended operation somewhat earlier than 210 days before scheduled initial fuel load. Early issuance of the notice of intended operation might facilitate the completion of the hearing by scheduled fuel load notwithstanding the occurrence of some event that would otherwise cause delay. The NRC requests comment on the pros and cons of this approach and on how early the NRC might reasonably issue the notice of intended operation.

Finally, and unavoidably, meeting the statutory goal for completing the ITAAC hearing will require the parties to exercise a high degree of diligence in satisfying their obligations as participants in the hearing. To this end, the proposed ITAAC hearing procedures shorten a number of deadlines from those provided by current regulations. While this will require greater alertness and efficiency on the part of hearing participants, the deadlines in these procedures are feasible, and the burden on participants will be somewhat ameliorated by the focused nature of ITAAC hearings. In addition, a shorter hearing period will lessen the overall resource burden on participants, which may be advantageous to participants with limited financial resources.

D. Hearing Formats

The hearing format used to decide admitted contentions depends, in the first instance, on whether testimony will be necessary to resolve the contested issues. While testimony is employed in the vast majority of NRC hearings because contentions almost always involve issues of fact, the NRC sometimes admits legal contentions, i.e., contentions that raise only legal issues.[14] The procedures for legal contentions, which are explained in more detail later in this notice, will involve the Commission setting a briefing schedule at the time it grants the hearing request, with the briefing schedule determined on a case-by-case basis.

Hearings involving testimony are necessarily more complex. A threshold question for such hearings is whether testimony should be delivered entirely orally, delivered entirely in written form, or as in the case of proceedings under Subpart L of 10 CFR Part 2, delivered primarily in written form with an oral hearing being used primarily to allow the presiding officer to gain a better understanding of the testimony and to clarify the record. For the following reasons, the Staff believes that the best choice is the Subpart L approach, which is the most widely used approach in NRC hearings and which has demonstrated its effectiveness since implementation in its current form in 2004.

The Subpart L approach has many benefits. Written testimony and statements of position allow the parties to provide their views with a greater level of clarity and precision, which is important for hearings on scientific and engineering matters. With the positions of the parties clearly established, oral questions and responses can be used to quickly and efficiently probe the positions of the parties. The use of oral questions and responses is more efficient than written questions and responses because oral questioning allows for back-and-forth communication between the presiding officer and the witnesses that can be completed more quickly than written questioning. In addition, the submission of testimony prior to the oral hearing increases the quality of the oral hearing because it allows more time for the presiding officer to thoughtfully assess the testimony and carefully craft questions that will best elucidate those matters crucial to the presiding officer's decision. Finally, there are certain efficiencies gained by the use of written testimony that are not available with entirely oral testimony. In Subpart L proceedings, pre-filed written testimony and exhibits are often admitted en masse at the beginning of the oral hearing, and the presiding officer's questioning can be completed in a relatively short amount of time. In the absence of pre-filed written testimony, however, an oral hearing will consume more time because the entirety of the evidentiary record will need to be established sequentially and orally, and the admission of exhibits would be subject to the more cumbersome and time-consuming admission process typical of trials.

The Staff considered, but rejected, a hearing format based on the procedures in 10 CFR Part 2, Subpart N, ''Expedited Proceedings with Oral Hearings.'' As the Commission explained in the final rule entitled ''Changes to Adjudicatory Process'' (69 FR 2214–15; January 14, 2004), Subpart N is intended to be a '' 'fast track' process for the expeditious resolution of issues in cases where the contentions are few and not particularly complex, and therefore may be efficiently addressed in a short hearing using simple procedures and oral

[12] However, to avoid holding a hearing unnecessarily, joint motions to dismiss that are agreed to by all parties will be entertained.

[13] This standard is taken from the Policy on Conduct of Adjudicatory Proceedings, CLI–98–12, 48 NRC 18, 21 (1998).

[14] *See, e.g., U.S. Department of Energy* (High-Level Waste Repository), CLI–09–14, 69 NRC 580, 588–591 (2009).

presentations.'' In addition, ''the [Subpart N] procedures were developed to permit a quick, relatively informal proceeding where the presiding officer could easily make an oral decision from the bench, or in a short time after conclusion of the oral phase of the hearing.'' At this time, several years before the first ITAAC hearing commences, the NRC does not have sufficient experience to conclude that the issues to be resolved in an ITAAC hearing will be simple enough to profitably employ the procedures of Subpart N and forego the advantages accruing from written testimony and statements of position.

In addition, Subpart N does not appear to be superior to a Subpart L type approach with respect to the timely completion of the hearing. The model milestones in 10 CFR Part 2, Appendix B, Paragraph IV for an enforcement hearing under Subpart N contemplate that the time between the granting of the hearing request and an initial decision is 90 days plus the time taken by the oral hearing and the closing of the record. However, the two alternative hearing tracks described later in this notice contemplate that the time between the granting of the hearing request and an initial decision will be either 80 days or 95 days.

VI. Proposed General ITAAC Hearing Procedures

Employing the general approach described in the previous section, the Staff has developed, and is seeking comment on, four templates with procedures for the conduct of an ITAAC hearing. The first template, Template A ''Notice of Intended Operation and Associated Orders'' (ADAMS Accession No. ML14097A460), includes the notice of intended operation, which informs members of the public of their opportunity to file a hearing request, includes an order imposing procedures for requesting access to sensitive unclassified non-safeguards information (SUNSI) and Safeguards Information (SGI) for the purposes of contention formulation (SUNSI–SGI Access Order),[15] and includes an order imposing additional procedures specifically pertaining to an ITAAC hearing.

The second, third, and fourth templates (Templates B, C, and D) are for Commission orders imposing procedures after the Commission has made a determination on the hearing request. Specifically, the second template, Template B ''Procedures for Hearings Involving Testimony'' (ADAMS Accession No. ML14097A468), includes procedures for the conduct of a hearing involving testimony. The third template, Template C ''Procedures for Hearings Not Involving Testimony'' (ADAMS Accession No. ML14097A471), includes procedures for resolving legal contentions. The fourth template, Template D ''Procedures for Resolving Claims of Incompleteness'' (ADAMS Accession No. ML14097A476), includes procedures for resolving valid claims of incompleteness.

One issue not addressed by the templates is the potential for delay caused by the need to undergo a background check (including a criminal history records check) for access to SGI. This background check can take several months, and delay could occur if the persons seeking access to SGI are not already cleared for access and do not seek clearance until the notice of intended operation is issued. However, the ''Procedures to Allow Potential Intervenors to Gain Access to Relevant Records that Contain Sensitive Unclassified Non-Safeguards Information or Safeguards Information'' (SUNSI–SGI Access Procedures) (February 29, 2008) (ADAMS Accession No. ML080380626) provide a ''pre-clearance'' process, by which a potential party who might seek access to SGI is allowed to request initiation of the necessary background check in advance of the notice providing an opportunity to request a hearing. Therefore, to avoid the potential for delays from background checks, the Staff contemplates that a plant-specific **Federal Register** notice announcing a pre-clearance process would be published 180 days prior to the expected publication of the notice of intended operation for that plant.[16] This ''pre-clearance notice'' would inform potential parties that if they do not take advantage of this pre-clearance opportunity, the NRC will not delay its actions in completing the hearing or making the 52.103(g) finding. In other words, members of the public who do not take advantage of the pre-clearance process would have to take the proceeding as they find it if they ultimately obtain access to SGI for contention formulation. This is necessitated by the plain language of the AEA, which directs the Commission to complete the hearing to the maximum possible extent by scheduled fuel load, and is consistent with the existing SUNSI–SGI Access Procedures (Attachment 1, p. 11), which caution potential parties that ''given the strict timelines for submission of and rulings on the admissibility of contentions (including security-related contentions) . . . potential parties should not expect additional flexibility in those established time periods if they decide not to exercise the pre-clearance option.''

In the following subsections, this notice will provide a broad overview of the procedures, will address certain significant procedures described in the templates, and will request specific comment on areas where the Staff has developed multiple possible approaches to an issue but has not yet decided which approach to recommend to the Commission. Certain procedures of lesser significance, and the rationales therefor, are described solely in the templates.

A. Notice of Intended Operation

The **Federal Register** notice of intended operation, the contents of which are governed by 10 CFR 2.105, will provide that any person whose interest may be affected by operation of the plant, may, within 60 days, request the Commission to hold a hearing on whether the facility as constructed complies, or on completion will comply, with the acceptance criteria in the COL. Among other things, the notice of intended operation (1) will specifically describe how the hearing request and answers thereto may be filed, (2) will identify the standing, contention admissibility, and other requirements applicable to the hearing request and answers thereto, and (3) will identify where information that is potentially relevant to a hearing request may be obtained. In addition, the notice of intended operation will be accompanied by a SUNSI–SGI Access Order, and an order imposing additional procedures specifically pertaining to an ITAAC hearing (Additional Procedures Order). The following subsections describe the significant procedures included in the notice of intended operation template.

1. Prima Facie Showing

To obtain a hearing on whether the facility as constructed complies, or upon completion will comply, with the acceptance criteria in the combined license, AEA § 189a.(1)(B)(ii) provides that a petitioner's request for hearing

[15] SUNSI–SGI Access Orders accompany hearing notices in cases where the NRC believes that a potential party may deem it necessary to obtain access to SUNSI or SGI for the purposes of meeting Commission requirements for intervention. *See* 10 CFR 2.307(c). Given the range of matters covered by the ITAAC, it is appropriate to issue a SUNSI–SGI Access Order with the notice of intended operation.

[16] Because the NRC expects to issue the notice of intended operation 210 days before scheduled fuel load, this pre-clearance notice would be issued about 390 days before scheduled fuel load.

shall show, *prima facie,* that one or more of the acceptance criteria in the combined license have not been, or will not be met, and the specific operational consequences of nonconformance that would be contrary to providing reasonable assurance of adequate protection of the public health and safety. This requirement is implemented in 10 CFR 2.309(f)(1)(vii), which requires this *prima facie* showing as part of the contention admissibility standards. Without meeting this requirement, the contention cannot be admitted and the hearing request cannot be granted.

In making this *prima facie* showing, the Additional Procedures Order will state that any declaration of an eyewitness or expert witness offered in support of contention admissibility needs to be signed by the eyewitness or expert witness in accordance with 10 CFR 2.304(d). If declarations are not signed, their content will be considered, but they will not be accorded the weight of an eyewitness or an expert witness, as applicable, with respect to satisfying the *prima facie* showing required by 10 CFR 2.309(f)(1)(vii). The purpose of this provision is to ensure that a position that is purportedly supported by an expert witness or an eyewitness is actually supported by that witness.

2. Claims of Incompleteness

While a *prima facie* showing is required before a contention can be admitted and a hearing request granted, 10 CFR 2.309(f)(1)(vii) provides a process for petitioners to claim that the licensee's 10 CFR 52.99(c) report is incomplete and that this incompleteness prevents the petitioner from making the necessary *prima facie* showing. The petitioner must identify the specific portion of the licensee's 10 CFR 52.99(c) report that is incomplete and explain why this deficiency prevents the petitioner from making the necessary *prima facie* showing. If the Commission determines that the claim of incompleteness is valid, it intends to issue an order, described later in this notice that will require the licensee to provide the additional information and provide a process for the petitioner to file a contention based on the additional information. If the petitioner files an admissible contention thereafter, and all other hearing request requirements have been met, then the hearing request will be granted.

3. Interim Operation

As stated earlier, the AEA requires the Commission to determine, after considering the petitioner's *prima facie* showing and answers thereto, whether there is reasonable assurance of adequate protection of the public health and safety during a period of interim operation while the hearing is being completed. Because this adequate protection determination is based on the parties' initial filings, the notice of intended operation will specifically request information from the petitioners, the licensee, and the NRC staff regarding the time period and modes of operation during which the adequate protection concern arises and any mitigation measures proposed by the licensee. The notice of intended operation would also inform the petitioners, the NRC staff, and the licensee that, ordinarily, their initial filings will be their only opportunity to address adequate protection during interim operation.

Because the Commission's interim operation determination is a technical finding, a proponent's views regarding adequate protection during interim operation must be supported with alleged facts or expert opinion, including references to the specific sources and documents on which the proponent relies. Any expert witness or eyewitness declarations, including a statement of the qualifications and experience of the expert, must be signed in accordance with 10 CFR 2.304(d). The probative value that the NRC accords to a proponent's position on adequate protection during interim operation will depend on the level and specificity of support provided by the proponent, including the qualifications and experience of each expert.

If the Commission grants the hearing request, it may determine that additional briefing is necessary to support an adequate protection determination. If the Commission makes this determination, then it will issue a briefing order concurrently with the granting of the hearing request. In addition, if mitigation measures are proposed by the licensee in its answer to the hearing request, then the Commission would issue a briefing order allowing the NRC staff and the petitioners an opportunity to address adequate protection during interim operation in light of the mitigation measures proposed by the licensee in its answer.[17]

[17] Because an interim operation determination is necessary only if contentions are admitted, it makes sense to have additional briefing on licensee-proposed mitigation measures only after a decision on the hearing request. However, as explained later, a different process applies to contentions submitted after the hearing request is granted because of the greater need for an expedited decision on interim operation.

The Commission has discretion regarding the timing of the adequate protection determination for interim operation, but since the purpose of the interim operation provision is to prevent the hearing from unnecessarily delaying fuel load, an interim operation determination will be sufficiently expeditious if it is made by scheduled fuel load. With respect to the relationship between the timing of the NRC staff's 52.103(g) finding and the Commission's adequate protection determination, the Staff believes it is best if the adequate protection determination precedes the 52.103(g) finding because the 40-year term of the issued COLs commences when the 52.103(g) finding is made and because certain regulatory and license requirements related to operation are triggered by the 52.103(g) finding. Concurrent with the 52.103(g) finding, the NRC staff could issue an order that would allow interim operation and include any terms and conditions on interim operation that are imposed by the Commission as part of its adequate protection determination. In addition, because the NRC staff intends to inform the Commission that the NRC staff is prepared to make the 52.103(g) finding prior to it actually making the finding, the Commission could make the adequate protection determination after this NRC staff notification but before the 52.103(g) finding.

Finally, if the Commission determines that there is adequate protection during the period of interim operation, a request to stay the effectiveness of this decision would not be entertained. The interim operation provision serves the purpose of a stay provision because it is the Congressionally-mandated process for determining whether the 52.103(g) finding that the acceptance criteria are met will be given immediate effect. The Commission's decision on interim operation becomes final agency action once the NRC staff makes the 52.103(g) finding and issues an order allowing interim operation.

4. Hearing Requests, Intervention Petitions, and Motions for Leave To File New or Amended Contentions or Claims of Incompleteness After the Original Deadline

The notice of intended operation includes procedures governing hearing requests, intervention petitions, and motions for leave to file new or amended contentions or claims of incompleteness that are filed after the original deadline because such filings might be made between the deadline for hearing requests and a Commission decision on hearing requests. Filings

after the initial deadline must show good cause as defined by 10 CFR 2.309(c), which includes the § 2.309(c)(1)(iii) requirement that the filing has been submitted in a timely fashion based on the availability of new information. In other proceedings, licensing boards have typically found that good cause will be satisfied if the filing is made within 30 days of the availability of the information upon which the filing is based, and § 2.309(i)(1) allows 25 days to answer the filing. The Staff believes that timeliness expectations should be clearly stated in the notice of intended operation, but is also considering whether these time periods should be shortened in the interest of expediting the proceeding. Because the Staff believes that these time periods might be shortened by, at most, 10 days, the following three options are under consideration: (1) The petitioner is given 30 days from the new information to make its filing and the other parties have 25 days to answer; (2) the petitioner is given 20 days from the new information to make its filing and the other parties have 15 days to answer; or (3) the petitioner is given [some period between 20 and 30 days] from the new information to make its filing and the other parties have [some period between 15 and 25 days] to answer. The Staff specifically requests comment on the feasibility and desirability of these options.

The Commission would also need to consider issues associated with interim operation with respect to any grant of a hearing request, intervention petition, or new or amended contention filed after the original deadline. Therefore, the interim operation provisions described previously would also apply to hearing requests, intervention petitions, or new or amended contentions filed after the original deadline. A claim of incompleteness, however, does not bear on interim operation because interim operation is intended to address whether operation shall be allowed notwithstanding the petitioner's *prima facie* showing, while a claim of incompleteness is premised on the petitioner's inability to make a *prima facie* showing. Interim operation would be addressed after any incompleteness was cured if the petitioner files a contention on that topic.

In its 2008 Policy Statement (73 FR 20973), the Commission stated that to lend predictability to the ITAAC compliance process, it would be responsible for three decisions related to ITAAC hearings: (1) The decision on whether to grant the hearing request, (2) the adequate protection determination for interim operation, and (3) the designation of the ITAAC hearing procedures. Accordingly, the Staff believes that it would be consistent with this policy choice for the Commission to rule on all hearing requests, intervention petitions, and motions for leave to file new contentions or claims of incompleteness that are filed after the original deadline. If the Commission grants the hearing request, intervention petition, or motion for leave to file new contentions, the Commission will designate the hearing procedures for the newly admitted contentions and would determine whether there will be adequate protection during the period of interim operation with respect to the newly admitted contentions. If the Commission determines that a new or amended claim of incompleteness demonstrates a need for additional information in accordance with 10 CFR 2.309(f)(1)(vii), the Commission would designate separate procedures for resolving the claim.

For motions for leave to file amended contentions, a Commission ruling may not be necessary to lend predictability to the hearing process because the Commission will have provided direction on the admissibility of the relevant issues when it ruled on the original contention. Thus, it seems appropriate for the Commission to retain the option of delegating rulings on amended contentions to a licensing board. If the Commission delegates a contention admissibility ruling to a licensing board and the licensing board admits the amended contention, then the Commission would still make the adequate protection determination for interim operation. In addition, the hearing procedures governing the adjudication of the original contention would also apply to the amended contention if admitted by the licensing board. Furthermore, the deadline for an initial decision on the amended contention (which is a strict deadline) would be the same date as the deadline for an initial decision on the original contention. Consistent with the provisions for strict deadlines, the deadline for an initial decision can only be changed upon a showing of unavoidable and extreme circumstances.

The Staff is considering, and requesting comment on, whether to eliminate the need to address the standards for a motion to reopen for a hearing request, intervention petition, or motion for leave to file a new or amended contention filed after the original deadline. A possible rationale for not applying the reopening provisions in such situations is that the purposes served by the reopening provisions—to ensure an orderly and timely disposition of the hearing—would be addressed by the requirements applying to hearing requests, intervention petitions, and motions for leave to file new or amended contentions filed after the original deadline. Specifically, one could argue that any timeliness concerns are addressed by the good cause requirement in 10 CFR 2.309(c) and that concerns regarding newly raised issues being significant and substantiated are addressed by the *prima facie* showing requirement in 10 CFR 2.309(f)(1)(vii).

Finally, because the Commission would be ruling on (or delegating a ruling on) all hearing requests, intervention petitions, and motions for leave to file new or amended contentions or claims of incompleteness that are filed after the original deadline, all such filings after the original deadline would be filed with the Commission. The Commission contemplates that a ruling would be issued within 30 days of the filing of answers.

5. SUNSI–SGI Access Order

The SUNSI–SGI Access Order included with the notice of intended operation is based on the template for the SUNSI–SGI Access Order that is issued in other proceedings, with the following modifications:

- To expedite the proceeding, initial requests for access to SUNSI or SGI must be made electronically by email, unless use of email is impractical, in which case delivery of a paper document must be made by hand delivery or overnight mail. All other filings in the proceeding must be made through the E-filing system with certain exceptions described later in this notice.
- To expedite the proceeding, the expectation for NRC staff processing of documents and the filing of protective orders and non-disclosure agreements has been reduced from 20 days after a determination that access should be granted to 10 days.
- As with SUNSI–SGI Access Orders issued in other proceedings, requests for access to SUNSI or SGI must be submitted within 10 days of the publication of the **Federal Register** notice, and requests submitted later than this period will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier. For the purposes of the SUNSI–SGI Access Order issued with the notice of intended operation, the showing of good cause has been defined as follows: The requestor must demonstrate that its

request for access to SUNSI or SGI has been filed by the later of (a) 10 days from the date that the existence of the SUNSI or SGI document becomes public information, or (b) 10 days from the availability of new information giving rise to the need for the SUNSI or SGI to formulate the contention.

• The SUNSI–SGI Access Orders issued in other proceedings provide that any contentions based on the requested SUNSI or SGI must be filed no later than 25 days after the requestor is granted access to that information, except that such contentions may be filed with the initial hearing request if more than 25 days remain between the granting of access to the information and the deadline for the hearing request. However, as stated previously, the NRC requests comment on the time generally given for new or amended contentions filed after the original deadline, and it is possible that the Commission will choose to give less than 25 days for the filing of new or amended contentions. If the Commission chooses a time period for new or amended contentions that is less than 25 days, the Staff believes that it is reasonable to use this same reduced period for contentions based on access to SUNSI or SGI, and the SUNSI–SGI Access Order would be modified accordingly.

• Because the Commission is ruling on the initial hearing request and because the proceeding may be expedited by removing a layer of possible appellate review, the Commission might wish to hear, in the first instance, requests for review of NRC staff determinations on access to SUNSI or SGI. On the other hand, the Commission might wish to delegate rulings on such requests for review to a licensing board. Both of these possibilities are included as alternative options in the SUNSI–SGI Access Order, and it is contemplated that one of these alternatives would be chosen by the Commission when it approves the final general ITAAC hearing procedures. If the Commission decides that a licensing board will rule on requests for review of NRC staff access determinations, a procedure for interlocutory appeal of these licensing board decisions would be included in the Additional Procedures Order issued with the notice of intended operation.

6. Filing of Documents and Time Computation

To support the expedited nature of this proceeding, the provisions in 10 CFR 2.302 and 10 CFR 2.305 for the filing and service of documents are being modified such that, for requests to file documents other than through the E-Filing system, first-class mail will not be one of the allowed alternative filing methods. The possible alternatives will be limited to transmission either by fax, email, hand delivery, or overnight mail to ensure expedited delivery. Use of overnight mail will only be allowed if fax, email, or hand delivery is impractical. In addition, for documents that are too large for the E-Filing system but could be filed through the E-Filing system if separated into smaller files, the filer must segment the document and file the segments separately. In a related modification, the time computation provisions in 10 CFR 2.306(b)(1) through 2.306(b)(4), which allow additional time for responses to filings made by mail delivery, do not apply. Because overnight delivery will result in only minimal delay, it is not necessary to extend the time for a response.

7. Motions

To accommodate the expedited timeline for the hearing, the time period for filing and responding to motions must be shortened from the time periods set forth in 10 CFR Part 2, Subpart C. Therefore, all motions, except for motions for leave to file new or amended contentions or claims of incompleteness filed after the deadline, shall be filed within 7 days after the occurrence or circumstance from which the motion arises, and answers to motions shall be filed within 7 days of the motion.

Motions for extension of time will be allowed, but good cause must be shown for the requested extension of time based on an event occurring before the deadline. To meet the statutory mandate for the timely completion of the hearing, deadlines must be adhered to strictly and only exceptional circumstances should give rise to delay. Therefore, in determining whether there is good cause for an extension, the factors in 10 CFR 2.334 will be considered, but ''good cause'' will be interpreted strictly, and a showing of ''unavoidable and extreme circumstances'' will be required for more than very minor extensions. The Staff requests comment on whether ''very minor extensions'' should be defined in a more objective manner or whether a showing of unavoidable and extreme circumstances should be required for all extension requests, no matter how minor.

Motions for extension of time shall be filed as soon as possible, and, absent exceptional circumstances, motions for extension of time will not be entertained if they are filed more than two business days after the moving party discovers the event that gives rise to the motion.[18] The Staff selected an event-based trigger for the filing of an extension request because meritorious motions will likely be based on events outside the party's control given the strict interpretation of good cause. The Staff, however, requests comment on whether a deadline-based trigger (e.g., ''motions for extension of time shall be filed as soon as possible, but no later than 3 days before the deadline'') should be used in lieu of, or in combination with, an event-based trigger.

With respect to motions for reconsideration, three options are under consideration. In Option 1, the 10 CFR 2.323(e) provisions for motions for reconsideration will be retained with the only modification being the reduced filing period described previously. The rationale for this option is that it may be premature, given the NRC's lack of experience with ITAAC hearings, to limit the opportunity to seek reconsideration. Option 2 restricts motions for reconsideration to a presiding officer's initial decision and Commission decisions on appeal of a presiding officer's initial decision. The rationale for allowing reconsideration of these decisions is that these are the most important decisions in the proceeding and reconsideration of these decisions does not prevent them from taking effect. With respect to prohibiting reconsideration in other circumstances, the rationale is that (1) reconsideration of other decisions is unlikely to be necessary, (2) the resources necessary to prepare, review, and rule on requests for reconsideration take time away from other hearing-related tasks, (3) interlocutory rulings that have a material effect on the ultimate outcome of the proceeding can be appealed, and (4) the appeals process will not cause undue delay given the expedited nature of the proceeding.

Option 3 prohibits motions for reconsideration. This option is based on the rationale that such motions consume the resources of the parties and the presiding officer without compensating benefit. Reconsideration is unlikely to be necessary for many decisions, and the resources necessary to prepare, review and rule on requests for reconsideration of interlocutory decisions would take time away from

[18] Consistent with practice under 10 CFR 2.307, a motion for extension of time might be filed shortly after a deadline has passed, e.g., an unanticipated event on the filing deadline prevented the participant from filing. Further discussion of this practice is found in the final rule entitled ''Amendments to Adjudicatory Process Rules and Related Requirements'' (77 FR 46562, 46571; August 3, 2012).

other hearing-related tasks. In addition, parties who disagree with a presiding officer's order may seek redress through the appellate process, which should not cause undue delay given the expedited nature of the proceeding.

In addition, Options 2 and 3 include a limitation on motions for clarification. To prevent motions for clarification from becoming *de facto* motions for reconsideration, only motions for clarification based on an ambiguity in a presiding officer order would be permitted. In addition, a motion for clarification must explain the basis for the perceived ambiguity and may offer possible interpretations of the purportedly ambiguous language, but the motion for clarification may not advocate for a particular interpretation of the presiding officer order.

8. Notifications Regarding Relevant New Developments in the Proceeding

Section 189a.(1)(B)(i)–(ii) of the AEA and 10 CFR 2.309(f)(1)(vii), 2.340(c) require contentions to be submitted, and permit a hearing to go forward, on the predictive question of whether one or more of the acceptance criteria in the combined license will not be met. Additionally, a licensee might choose to re-perform an inspection, test, or analysis as part of ITAAC maintenance or to dispute a contention,[19] or events subsequent to the performance of an ITAAC might be relevant to the continued validity of the earlier ITAAC performance. As a consequence, it is possible for the factual predicate of a contention to change over the course of the proceeding, thus affecting the contention or the hearing schedule. Given this and as directed by the Commission in *USEC Inc.* (American Centrifuge Plant), CLI–06–10, 63 NRC 451, 470 (2006), the parties have a continuing obligation to notify the other parties and the presiding officer of relevant new developments in the proceeding. In addition, to ensure that the parties and the Commission stay fully informed of the status of challenged ITAAC as a hearing request is being considered, any answers to the hearing request from the NRC staff and the licensee must discuss any changes in the status of challenged ITAAC.

After answers are filed, the parties must notify the Commission and the other parties in a timely fashion as to any changes in the status of a challenged ITAAC up to the time that the presiding officer rules on the admissibility of the contention. This would include notifying the Commission and the parties of information related to re-performance of an ITAAC that might bear on the proposed contentions. In addition, after answers are filed, the licensee must notify the Commission and the parties of the submission of any ITAAC closure notification or ITAAC post-closure notification for a challenged ITAAC. This notice must be filed on the same day that the ITAAC closure notification or ITAAC post-closure notification is submitted to the NRC.

9. Stays

The stay provisions of 10 CFR 2.342 and 2.1213 apply to this proceeding, but in the interests of expediting the proceeding, (1) the deadline in § 2.342 for filing either a stay application or an answer to a stay application is shortened to 7 days, and (2) the deadline in § 2.1213(c) to file an answer supporting or opposing a stay application is likewise reduced to 7 days. In addition, as explained previously, a request to stay the effectiveness of the Commission's decision on interim operation will not be entertained.

10. Interlocutory Appeals of Decisions on Access to Sensitive Information

Until the hearing request is granted, all rulings will be made by the Commission unless the Commission delegates to a licensing board the task of ruling on appeals of NRC staff determinations on requests for access to SUNSI or SGI. For this reason, the Part 2 provisions for interlocutory appeals and petitions for review would not apply, but instead would be replaced by a case-specific provision providing a right to appeal to the Commission a licensing board order with respect to a request for access to SUNSI or SGI. This case-specific provision is modeled after the relevant provisions of 10 CFR 2.311, but because of the expedited nature of the proceeding, such an appeal must be filed within 10 days of the order, and any briefs in opposition will be due within 10 days of the appeal.

Consistent with the relevant provisions of 10 CFR 2.311, a licensing board order denying a request for access to SUNSI or SGI may be appealed by the requestor only on the question of whether the request should have been granted. A licensing board order granting a request for access to SUNSI or SGI may be appealed only on the question of whether the request should have been denied in whole or in part. However, such a question with respect to SGI may only be appealed by the NRC staff, and such a question with respect to SUNSI may be appealed only by the NRC staff or by a party whose interest independent of the proceeding would be harmed by the release of the information.

11. Licensee Hearing Requests

In accordance with 10 CFR 2.105(d)(1), a notice of proposed action must state that, within the time period provided under 10 CFR 2.309(b), the applicant may file a request for a hearing. While this provision literally refers to applicants as opposed to licensees, it makes sense and accords with the spirit of the rule to provide an equivalent opportunity to licensees seeking to operate their plants, which have legal rights associated with possessing a license that must be protected. The situation giving rise to such a hearing request would be a dispute between the licensee and the NRC staff on whether the acceptance criteria are met.

With respect to the contents of a licensee request for hearing, the *prima facie* showing requirement would not apply because the licensee would be asserting that the acceptance criteria are met rather than asserting that the acceptance criteria have not been, or will not be, met. Licensees requesting a hearing would be challenging an NRC staff determination that the acceptance criteria are not met; this NRC staff determination would be analogous to a *prima facie* showing that the acceptance criteria have not been met. Given this, it seems appropriate to require a licensee requesting a hearing to specifically identify the ITAAC whose successful completion is being disputed by the NRC staff, and to identify the specific issues that are being disputed.

The Staff does not believe that separate hearing procedures need to be developed for a licensee hearing request. Such hearing requests should be highly unusual because disputes between the NRC staff and the licensee are normally resolved through interactions outside the adjudicatory process. Also, many of the hearing procedures described in this notice could likely be adapted, with little change, to serve the purposes of a hearing requested by a licensee.

B. Procedures for Hearings Involving Testimony

With the exception of procedures for licensee hearing requests, the procedures described previously for

[19] The legislative history of the EPAct suggests that re-performing the ITAAC would be a simpler way to resolve disputes involving competing eyewitness testimony. 138 Cong. Rec. S1143–44 (February 6, 1992) (statement of Sen. Johnston). In addition, ITAAC re-performance might occur as part of the licensee's maintenance of the ITAAC, and might also result in an ITAAC post-closure notification.

inclusion with the notice of intended operation would also be included in the order setting forth the procedures for hearings involving testimony, with the following modifications:

• In the procedures issued with the notice of intended operation, additional briefing on licensee-proposed mitigation measures would occur only after a decision on the hearing request. However, because of the greater need for an expedited decision on interim operation for contentions submitted after the hearing request is granted, a different process is necessary. Therefore, if the licensee's answer addresses proposed mitigation measures to assure adequate protection during interim operation, the NRC staff and the proponent of the hearing request, intervention petition, or motion for leave to file a new or amended contention filed after the original deadline may, within 20 days of the licensee's answer, file a response that addresses only the effect these proposed mitigation measures would have on adequate protection during the period of interim operation.

• The provisions and options described earlier for motions for reconsideration under 10 CFR 2.323(e) also apply to petitions for reconsideration under 10 CFR 2.345.

• Additional procedures would be imposed regarding notifications of relevant new developments related to admitted contentions. Specifically, if the licensee notifies the presiding officer and the parties of an ITAAC closure notification, an ITAAC post-closure notification, or the re-performance of an ITAAC related to an admitted contention, then the notice shall state the effect that the notice has on the proceeding, including the effect of the notice on the evidentiary record, and whether the notice renders moot, or otherwise resolves, the admitted contention. This notice requirement applies as long as there is a contested proceeding in existence on the relevant ITAAC (including any period in which an appeal of an initial decision may be filed or during the consideration of an appeal if an appeal is filed). Within 7 days of the licensee's notice, the other parties shall file an answer providing their views on the effect that the licensee's notice has on the proceeding, including the effect of the notice on the evidentiary record, and whether the notice renders moot, or otherwise resolves, the admitted contention. However, the intervenor is not required in this 7-day timeframe to address whether it intends to file a new or amended contention. In the interest of timeliness, the presiding officer may, in its discretion, take action to determine the notice's effect on the proceeding (e.g., hold a prehearing conference, set an alternate briefing schedule) before the 7-day deadline for answers.

• In addition to an interlocutory appeal as of right for a licensing board decision on access to SUNSI or SGI, two options are under consideration with respect to whether, and to what extent, there should be an additional opportunity to petition for interlocutory review. The Staff specifically requests comment on these options. Under Option 1, no other requests for interlocutory review of licensing board decisions would be entertained. The rationale for this option is that interlocutory review of decisions other than on requests for access to SUNSI or SGI are unnecessary and unproductive given the expedited nature of the proceeding. Under Option 2, the interlocutory review provisions of 10 CFR 2.341(f) are retained without modification. However, even under Option 2, interlocutory review will be disfavored, except in the case of decisions on access to SUNSI or SGI, because of the expedited nature of an ITAAC hearing.

Additional significant procedures that specifically relate to hearings involving witness testimony are as follows.

1. Schedule and Format for Hearings Involving Witness Testimony

As discussed earlier, the Staff proposes a Subpart L-type approach to evidentiary hearings that features pre-filed written testimony, an oral hearing, and questioning by the presiding officer rather than by counsel for the parties.[20] Two alternative hearing tracks have been developed, Track 1 and Track 2, with the only difference between these two tracks being whether both pre-filed initial and rebuttal testimony are permitted (Track 1) or whether only pre-filed initial testimony is permitted (Track 2).

The Staff requests comment on the factors the Commission should consider in choosing between Track 1 and Track 2 in an individual proceeding. Track 2 has a schedule advantage in that it is shorter, and pre-filed rebuttal testimony, which is not available under Track 2, might not be necessary in some cases. ITAAC hearings are focused on specifically delineated issues, and the parties should have, early on, at least a basic understanding of the other parties' positions due to the availability of the licensee's plans for completing the ITAAC and the parties' initial filings, which are expected to be more detailed given the required *prima facie* showing. Pre-filed rebuttal testimony might not be necessary in cases where the contested issues and the parties' positions are defined well enough to allow the parties to, in their initial testimony, advance their own positions while effectively rebutting the positions taken by the other parties. Further development of the record could be accomplished at the oral hearing, and Track 2 allows the parties to propose questions to be asked of their own witnesses to respond to the other parties' filings (this is a form of oral rebuttal). However, if the parties are not able to effectively rebut the other parties' positions in their initial filings, then in a Track 2 proceeding, the presiding officer likely would not possess a complete understanding of the parties' positions until the oral hearing. It is important in a Subpart L-type proceeding for the presiding officer to have a thorough understanding of the parties' positions before the oral hearing to allow the presiding officer to formulate focused questions for the witnesses and to reach conclusions on the contested issues soon after the hearing is concluded. Therefore, if the presiding officer does not have such a thorough understanding by the oral hearing due to the absence of pre-filed rebuttal testimony, substantial effort toward reaching a decision could be delayed until after the hearing is held. This is an argument in favor of using a hearing track with pre-filed rebuttal testimony (Track 1) in more complex cases.

To ensure the completion of the hearing by the statutorily-mandated goal, the Staff envisions that the Commission would establish a ''strict deadline'' for the issuance of the initial decision that could only be extended upon a showing that ''unavoidable and extreme circumstances'' necessitate a delay. If a licensing board is the presiding officer, then the licensing board would have the authority to extend the strict deadline after notifying the Commission of the rationale for its decision. The licensing board would be expected to make this notification at the earliest practicable opportunity after the licensing board determines that an extension is necessary. In addition to this strict deadline, the schedule includes two other types of target dates: default deadlines and milestones. ''Default deadlines'' are requirements to which the parties must conform, but they may be modified by the presiding officer for good cause. Default deadlines are used for the completion of certain

[20] However, as explained later, there is an opportunity to file motions to conduct cross-examination.

tasks soon after the decision on the hearing request that the parties must begin working toward as soon as the hearing request is granted. Target dates that have not been designated as a ''strict deadline'' or a ''default deadline'' are ''milestones,'' which are not requirements, but a licensing board is expected to adhere to milestones to the best of its ability in an effort to complete the hearing in a timely fashion. The presiding officer may revise the milestones in its discretion, with input from the parties, keeping in mind the strict deadline for the overall proceeding.

The Track 1 and Track 2 schedules are reproduced in Table 1.

TABLE 1—TRACK 1 AND TRACK 2 SCHEDULES

Event	Target date	Target date	Target date type
	Track 1	*Track 2*	
Prehearing Conference	Within 7 days of the grant of the hearing request.	Within 7 days of the grant of the hearing request.	Milestone.
Scheduling Order	Within 3 days of the prehearing conference.	Within 3 days of the prehearing conference.	Milestone.
Document Disclosures; Identification of Witnesses; and NRC Staff Informs the Presiding Officer and Parties of its Decision on Whether to Participate as a Party.	15 days after the grant of the hearing request.	15 days after the grant of the hearing request.	Default Deadline.
Pre-filed Initial Testimony	35 days after the grant of the hearing request.	35 days after the grant of the hearing request.	Milestone.
Pre-filed Rebuttal Testimony	15 days after initial testimony	No rebuttal	Milestone.
Proposed Questions; Motions for Cross-Examination/Proposed Cross-Examination Plans.	7 days after rebuttal testimony	7 days after initial testimony	Milestone.
Answers to Motions for Cross-Examination.	5 days after the motion for cross-examination OR oral answer to motion presented just prior to the beginning of the hearing.	5 days after the motion for cross-examination OR oral answer to motion presented just prior to the beginning of the hearing.	Milestone.
Oral Hearing	15 days after rebuttal testimony	15 days after initial testimony	Milestone.
Joint Transcript Corrections	7 days after the hearing	7 days after the hearing	Milestone.
Findings (if needed)	15 days after the hearing or such other time as the presiding officer directs.	15 days after the hearing or such other time as the presiding officer directs.	Milestone.
Initial Decision	30 days after the hearing	30 days after the hearing	Strict Deadline.

The Track 1 schedule takes 95 days (including one day for the oral hearing), and the Track 2 schedule takes 80 days (including one day for the oral hearing). As stated earlier, the answers to the hearing request would be due 125 days before scheduled fuel load. Thus, if the Track 1 option is used, the Commission would need to issue the decision on the hearing request 30 days after the answers are due in order to complete the hearing by scheduled fuel load. If the Track 2 option is used, the Commission would need to issue the decision on the hearing request 45 days after the answers are due in order to complete the hearing by scheduled fuel load. To accommodate both possible hearing tracks, the procedures contemplate a Commission ruling 30 days from the due date for answers to the hearing request. The Staff recognizes that it is possible that one of the two tracks might be eliminated from consideration before the issuance of the generic procedures in final form. If the Track 1 procedures are eliminated, the Staff contemplates that the 15 days gained from eliminating the possibility for rebuttal testimony would be distributed to the time periods for rendering a decision on the hearing request or issuing an initial decision after the hearing given the already short deadlines for these decisions.[21]

Both the Track 1 and Track 2 hearing schedules are aggressive, but this is necessary to satisfy the statutorily-mandated goal for timely completion of the hearing. The Staff believes that these schedules are feasible and will allow the presiding officer and the parties a fair opportunity to develop a sound record for decision. However, it will require the parties to schedule their resources such that they will be able to provide a high, sustained effort during the last 3–4 months before fuel load. The parties are obligated to ensure that their representatives and witnesses are available during this period to perform all of their hearing-related tasks on time. The competing obligations of the parties' representatives or witnesses will not be considered good cause for any delays in the schedule.

The specific provisions governing the evidentiary hearing tasks are set forth in detail in Template B. Except for the mandatory disclosure requirements, these provisions are drawn from 10 CFR Part 2, Subpart L, but are subject to the schedule set forth previously and the following significant modifications or additional features:

- The prehearing conference and scheduling order would be expected to occur soon after the hearing request is granted. To meet this schedule, the Staff envisions that a licensing board would be designated well before the decision on the hearing request so that this licensing board would be familiar with the record and disputed issues and would be able to immediately commence work on evidentiary hearing activities once the hearing request is granted.
- Other than a joint motion to dismiss supported by all of the parties, motions to dismiss and motions for summary disposition are prohibited. The time frame for the hearing is already time-limited, and the resources necessary to prepare, review, and rule on a motion to dismiss or motion for summary disposition would take time away from preparing for the hearing and likely would not outweigh the potential for error should it later be decided on appeal that a hearing was warranted.

[21] Also, notwithstanding the detailed schedules set forth in the hearing tracks, the Commission retains the flexibility to modify these dates, as well as the other procedures set forth in this notice, on a case-specific basis.

• Written statements of position may be filed in the form of proposed findings of fact and conclusions of law. Doing so would allow the parties to draft their post-hearing findings of fact and conclusions of law by updating their pre-hearing filings. Also, if the parties choose this option, the presiding officer should consider whether it might be appropriate to dispense with the filing of written findings of fact and conclusions of law after the hearing.

• Written motions in limine or motions to strike [22] will not be permitted because such motions would lead to delay without compensating benefit. The parties' evidentiary submissions are expected to be narrowly focused on the discrete technical issues that would be the subject of the admitted contentions, and the presiding officer is capable of judging the relevance and persuasiveness of the arguments, testimony, and evidence without excluding them from the record. In addition, the parties' rights will be protected because they will have an opportunity to address the relevance or admissibility of arguments, testimony, or evidence in their pre- and post-hearing filings, or at the hearing.

• Consistent with 10 CFR 2.1204(b)(3), cross-examination by the parties shall be allowed only if it is necessary to ensure the development of an adequate record for decision. Cross-examination directed at persons providing eyewitness testimony would be allowed upon request. The expectation is that the presiding officer will closely manage and control cross-examination. The presiding officer need not, and should not, allow cross-examination to continue beyond the point at which it is useful. Similarly, in the sound exercise of its discretion, the presiding officer need not ask all (or any) questions that the parties request the presiding officer to consider propounding to the witnesses.

• Written answers to motions for cross-examination would be due 5 days after the filing of the motion, or, alternatively, if travel arrangements for the hearing interfere with the ability of the parties and the presiding officer to file or receive documents, an answer may be delivered orally at the hearing location just prior to the start of the hearing.[23] At the prehearing conference, the presiding officer and the parties would address whether answers to motions for cross-examination will be in written form or be delivered orally.

• With respect to proposed findings of fact and conclusions of law, the Staff recognizes that proposed findings of fact and conclusions of law may assist the presiding officer in reaching its decision in certain cases or on certain issues, but the Staff also recognizes that there may be cases or issues for which proposed findings of fact and conclusions of law are unnecessary and may cause delay. Therefore, the Staff is considering and requesting comment on the following two options. Option 1 would allow proposed findings of fact and conclusions of law unless the presiding officer, on its own motion or upon a joint agreement of all the parties, dispenses with proposed findings of fact and conclusions of law for some or all of the hearing issues. Option 2 would not permit proposed findings of fact and conclusions of law unless the presiding officer determines that they are necessary. Under Option 2, the presiding officer may limit the scope of proposed findings of fact and conclusions of law to certain specified issues.

2. Mandatory Disclosures/Role of the NRC Staff

The Staff believes that discovery should be limited to the mandatory disclosures required by 10 CFR 2.336(a), with certain modifications. The required disclosures, pre-filed testimony and evidence, and the opportunity to submit proposed questions should provide a sufficient foundation for the parties' positions and the presiding officer's ruling, as they do in other informal NRC adjudications. Any information that might be gained by conducting formal discovery under 10 CFR Part 2, Subpart G, likely would not justify the time and resources necessary to gain that information, particularly considering the limited time frame in which an ITAAC hearing must be conducted. Accordingly, depositions, interrogatories, and other forms of discovery provided under 10 CFR Part 2, Subpart G, would not be permitted. Modifications to the mandatory disclosure requirements of 10 CFR 2.336 would be as follows:

• For the sake of simplicity, NRC staff disclosures would be based on the provisions of 10 CFR 2.336(a), as modified for ITAAC hearings, rather than on § 2.336(b). The categories of documents covered by § 2.336(a) and § 2.336(b) are likely to be the same in the ITAAC hearing context, and it is reasonable in an ITAAC hearing to impose a witness identification requirement on the NRC staff with its initial disclosures since initial testimony is due soon after the initial disclosures.

• The witness identification requirement of 10 CFR 2.336(a) is clarified to explicitly include potential witnesses whose knowledge provides support for a party's claims or positions in addition to opinion witnesses.

• All parties would provide disclosures of documents relevant to the admitted contentions and the identification of fact and expert witnesses within 15 days of the granting of the hearing request. This short deadline is necessary to support the expedited ITAAC hearing schedule. In addition, it is expected that the parties will be able to produce document disclosures and identify witnesses within 15 days of the granting of the hearing request because of the focused nature of an ITAAC hearing and because the parties will have already compiled much of the information subject to disclosure in order to address the *prima facie* showing requirement for ITAAC hearing requests.

• Disclosure updates will be due every 14 days (instead of monthly) to support the expedited ITAAC hearing schedule.

• The Subpart L provisions for NRC staff participation as a party are retained, but the procedures in this notice also provide that the Commission may direct the NRC staff to participate as a party in the Commission order imposing hearing procedures.

In addition to the disclosure provisions of 10 CFR 2.336(a), the provisions of the SUNSI–SGI Access Order would apply to all participants (including admitted parties) [24] subject to the following modifications/clarifications:

• For a party seeking access to SUNSI or SGI relevant to the admitted contentions, the 10 CFR 2.336(a) disclosures process will be used in lieu

[22] Collectively, written motions in limine and motions to strike are written motions to exclude another party's arguments, testimony, or evidence.

[23] Because cross-examination plans are filed non-publicly, answers to cross-examination motions would only address the public motion, which would likely include less detail. This justifies the shorter deadline for answers and the reasonableness of having answers be delivered orally.

[24] In other proceedings, the provisions of the SUNSI–SGI Access Order do not apply to admitted parties, as explained in *South Texas Project Nuclear Operating Co.* (South Texas Project, Units 3 and 4), CLI–10–24, 72 NRC 451, 461–62 (2010). However, an ITAAC hearing differs from most NRC proceedings because there would be no hearing file, and disclosures would be limited to those documents relevant to the admitted contentions. As explained in the *South Texas Project* decision (CLI–10–24, 72 NRC at 462 n.70), broader disclosure and hearing file requirements provide information to parties to support new contentions. Because the disclosures process in an ITAAC hearing does not allow admitted parties to access SUNSI or SGI for the purposes of formulating contentions unrelated to admitted contentions, it makes sense to apply the provisions of the SUNSI–SGI Access Order to admitted parties.

of the SUNSI–SGI Access Order. As part of the disclosures process, a party seeking SUNSI or SGI related to an admitted contention would first seek access from the party possessing the SUNSI or SGI. Any disputes among the parties over access to SUNSI would be resolved by the presiding officer, and any disputes over access to SGI would be resolved in accordance with 10 CFR 2.336(f).

• The timeliness standard for requests for access is the later of (a) 10 days from the date that the existence of the SUNSI or SGI document becomes public information, or (b) 10 days from the availability of new information giving rise to the need for the SUNSI or SGI to formulate the contention.

• Any contentions based on SUNSI or SGI obtained pursuant to the SUNSI–SGI Access Order must be filed within 25 days of the receipt of the SUNSI or SGI, except that if the Commission chooses a time period for new or amended contentions filed after the original deadline that is less than 25 days, then that reduced time period will be used instead of 25 days, as explained earlier in this notice.

As for the 10 CFR 2.1203 hearing file that the NRC staff is obligated to produce in Subpart L proceedings, the Staff is not recommending that this requirement be made applicable to ITAAC hearings because the more narrowly defined NRC disclosure provisions discussed previously are sufficient to disclose all relevant documents. The scope of an ITAAC hearing is narrowly focused on whether the acceptance criteria in the pre-approved ITAAC are met, unlike other NRC adjudications that involve the entire combined license application. And unlike other NRC adjudicatory proceedings that may involve numerous requests for additional information, responses to requests for additional information, and revisions to the application, an ITAAC hearing will focus on licensee ITAAC notifications and related NRC staff review documents that would be referenced in a centralized location on the NRC Web site. Consequently, it is unlikely in an ITAAC hearing that a member of the public would obtain useful documents through the hearing file required by 10 CFR 2.1203 that it would not obtain through other avenues.

3. Certified Questions/Referred Rulings

The Staff recognizes that there may be unusual cases that merit a certified question or referred ruling from the licensing board, notwithstanding the potential for delay. Therefore, the provisions regarding certified questions or referred rulings in 10 CFR 2.323(f) and 2.341(f)(1) apply to ITAAC hearings. However, the proceeding would not be stayed by the licensing board's referred ruling or certified question. Where practicable, the licensing board should first rule on the matter in question and then seek Commission input in the form of a referred ruling to minimize delays in the proceeding during the pendency of the Commission's review.

C. Procedures for Hearings Not Involving Testimony (Legal Contentions)

Admitted contentions that solely involve legal issues would be resolved based on written legal briefs. The briefing schedule would be determined by the Commission on a case-by-case basis. In the order imposing procedures for the resolution of these contentions, the Commission would designate either itself, a licensing board, or a single legal judge (assisted as appropriate by technical advisors) as the presiding officer for issuing a decision on the briefs. The Commission would impose a strict deadline for a decision on the briefs by the presiding officer. If a licensing board or single legal judge is the presiding officer, then additional procedures would be included. The presiding officer would have the discretion to hold a prehearing conference to discuss the briefing schedule and to discuss whether oral argument is needed, but a decision to hold oral argument would not change the strict deadline for the presiding officer's decision. In addition, the applicable hearing procedures from Template B for hearings involving witness testimony would be included in the Commission's order imposing procedures for legal contentions with the exception of those procedures involving testimony (and with the exception of those procedures involving interactions between the Commission and a licensing board or single legal judge if the Commission designates itself as the presiding officer).

D. Procedures for Resolving Claims of Incompleteness

If the Commission determines that the petitioner has submitted a valid claim of incompleteness, then it would issue an order that would require the licensee to provide the additional information within 10 days (or such other time as specified by the Commission) and provide a process for the petitioner to file a contention based on the additional information. This contention and any answers to it would be subject to the requirements for motions for leave to file new or amended contentions after the original deadline that are described earlier and included in Template B. If the petitioner files an admissible contention thereafter, and all other hearing request requirements have been met, then the hearing request would be granted and an order imposing procedures for resolving the admitted contention would be issued. If the petitioner submits another claim of incompleteness notwithstanding the additional information provided by the licensee, it shall file its request with the Commission. Any additional claims of incompleteness would be subject to the timeliness requirements for motions for leave to file claims of incompleteness after the original deadline that are described previously and included in Template B. Finally, the Commission order imposing procedures for resolving claims of incompleteness would include the applicable procedures from Template B, with the exception of procedures related to already-admitted contentions and procedures related to interactions between the Commission and a licensing board or single legal judge.

VII. Availability of Documents

The NRC is making the documents identified in the following table available to interested persons through the following methods as indicated.

Document	ADAMS Accession No.
Template A "Notice of Intended Operation and Associated Orders"	ML14097A460
Template B "Procedures for Hearings Involving Testimony"	ML14097A468
Template C "Procedures for Hearings Not Involving Testimony"	ML14097A471
Template D "Procedures for Resolving Claims of Incompleteness"	ML14097A476
Vogtle Unit 3 Combined License, Appendix C	ML112991102
SECY–13–0033, "Allowing Interim Operation Under Title 10 of the Code of Federal Regulations Section 52.103" (April 4, 2013).	ML12289A928
SRM on SECY–13–0033 (July 19, 2013)	ML13200A115

Document	ADAMS Accession No.
Anthony Z. Roisman, Comments on Proposed Amendments to Adjudicatory Process Rules and Related Requirements (76 FR 10781) (April 26, 2011).	ML11119A231
Letter from Diane Curran to NRC Commissioners, Comments on NRC Public Participation Process (February 26, 2013)	ML13057A975
Procedures to Allow Potential Intervenors to Gain Access to Relevant Records that Contain Sensitive Unclassified Non-Safeguards Information or Safeguards Information (February 29, 2008).	ML080380626

The NRC will post documents related to this notice, including public comments, on the Federal rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2014–0077. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2014–0077); (2) click the ''Email Alert'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

VIII. Plain Language Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. The NRC has attempted to use plain language in developing these general procedures, consistent with the Federal Plain Writing Act guidelines.

Dated at Rockville, Maryland, this 10th day of April 2014.

For the Nuclear Regulatory Commission.

Marian Zobler,

Acting General Counsel.

[FR Doc. 2014–08917 Filed 4–17–14; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–42; Order No. 2051]

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 22, 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 14, 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. CP2014–42 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 22, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Cassie D'Souza to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–42 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Cassie D'Souza 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 22, 2014.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–08910 Filed 4–17–14; 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 14, 2014 (Notice).

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–41; Order No. 2050]

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 2C 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 22, 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 14, 2014, the Postal Service filed notice that it has entered into an additional Global Plus 2C negotiated service agreement (Agreement).[1]

[1] Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 2C

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. CP2014–41 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 22, 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. CP2014–41 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 22, 2014.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–08909 Filed 4–17–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–43; Order No. 2052]

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 2C 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 22, 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:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On April 14, 2014, the Postal Service filed notice that it has entered into an additional Global Plus 2C 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. CP2014–43 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 22, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Manon A. Boudreault to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–43 for consideration of the matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, Manon A. Boudreault is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).
3. Comments are due no later than April 22, 2014.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–08911 Filed 4–17–14; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71940; File No. SR–BYX–2014–005]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Fees for Use of BATS Y-Exchange, Inc.

April 14, 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 1, 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, II, and III 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

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Contract Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, April 14, 2014 (Notice).

[1] Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 2C Contract Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, April 14, 2014 (Notice).

[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.

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 recently amended its fee schedule, effective April 1, 2014, to modify the rebates it provides for orders that remove liquidity and the fees it charges to add liquidity.[6] Specifically, the Exchange adopted a standard rebate of $0.0015 per share for all orders that remove liquidity in securities priced $1.00 and above, with the exception of Mid-Point Peg Order[7] liquidity (''Mid-Point Peg liquidity''). For executions that add displayed liquidity in securities priced $1.00 or above, the Exchange adopted a standard liquidity adding fee of $0.0017 per share, subject to reduced fees for Members that qualify for tiered pricing based on volume added to the Exchange.

The Exchange proposes to increase both the standard rebate to remove liquidity and the standard fee to add displayed liquidity by $0.0001 per share. Thus, for executions that remove liquidity in securities priced $1.00 and above, with the exception of Mid-Point Peg liquidity, the Exchange proposes to increase the standard rebate of $0.0015 per share to $0.0016 per share. For executions that add displayed liquidity in securities priced $1.00 or above, the Exchange proposes to increase the standard liquidity adding fee of $0.0017 per share to $0.0018 per share, subject to reduced fees for Members that qualify for tiered pricing based on volume added to the Exchange. The Exchange does not propose any other changes to the recently adopted changes.

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.[8] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[9] 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.

The changes to Exchange execution fees and rebates proposed by this filing are intended to attract order flow to the Exchange by continuing to offer competitive pricing while also allowing the Exchange to continue to offer incentives to provide aggressively priced displayed liquidity.

With respect to the proposed changes to the pricing structure for removing liquidity from the Exchange, the Exchange believes that its proposal is reasonable because the change provides only a slight additional increase to the recently adopted changes. The Exchange also believes that the rebate for removing liquidity in securities priced $1.00 or above are reasonable and equitably allocated because the proposed changes will increase the rebate for all orders that remove liquidity (other than orders that remove Mid-Point Peg liquidity). The proposed rebates are equitably allocated and not unfairly discriminatory because the rebates will apply equally to all Members.

With respect to the slight increase to the fees charged to add displayed liquidity in securities priced $1.00 or above, the Exchange believes that the proposed fees are reasonable, equitably allocated and not unfairly discriminatory as they are designed to attract additional removing liquidity to the Exchange. So, while the Exchange is proposing to increase fees on a per share basis, it is simultaneously providing higher rebates to all Members for removing liquidity. Thus, although the change increases the fee for orders that provide liquidity, it provides an offsetting increase in the rebate for orders removing liquidity. The tiered pricing structure and reduced fees for Members that qualify are equitably allocated and not unfairly discriminatory for the reasons described when the pricing structure was adopted.[10]

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. Because the market for order execution is extremely competitive, Members may choose to preference other market centers ahead of the Exchange if they believe that they can receive better fees or rebates elsewhere. Further, such changes are necessarily competitive because they are intended to provide incentives to Members that will result in increased activity on the Exchange.

The Exchange also believes that its pricing for removing liquidity is appropriately competitive vis-à-vis the Exchange's competitors, with at least one such competitor, NASDAQ OMX BX, Inc. (''NASDAQ BX''), offering a similar pricing model.[11] In a competitive environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and alternative liquidity sources. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. The proposed changes are, in fact, a direct response to an adjustment by NASDAQ BX in response to the Exchange's recent change to its pricing structure.[12] Thus, the modifications described herein are a direct response to competition, which should be viewed as a positive signal that a competitive market exists. If the changes are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing order execution venues to maintain their competitive standing in the financial markets. Finally, the Exchange does not believe that any of

[6] *See* SR–BYX–2014–004, *available at http://batstrading.com/regulation/rule_filings/byx/.*

[7] As defined in Exchange Rule 11.9(c)(9).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

[10] *See supra* note 6.

[11] *See* NASDAQ BX Pricing List *available at http://www.nasdaqtrader.com/Trader.aspx?id=bx_pricing.*

[12] *See* Nasdaq Equity Trader Alert #2014–28 *available at http://www.nasdaqtrader.com/TraderNews.aspx?id=ETA2014–28.*

the changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors.

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.

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.

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–BYX–2014–005 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–BYX–2014–005. 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–BYX–2014–005 and should be submitted on or before May 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08823 Filed 4–17–14; 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. 34–71939; File No. SR–BYX–2014–004]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Fees for Use of BATS Y-Exchange, Inc.

April 14, 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 Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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 effective April 1, 2014, in order to: (i) Modify the tiers applicable to the Exchange's tiered pricing structure; (ii) modify the rebates that the Exchange provides for orders that remove liquidity; (iii) modify the fees that the Exchange charges to add liquidity; (iv) adopt separate fees applicable to adding and removing Mid-Point Peg Order [6] liquidity (''Mid-Point Peg liquidity''); (v) eliminate a specific fee for orders that add non-displayed liquidity to the Exchange and are removed by Retail Orders (as defined below); and (vi) modify the destinations subject to the Exchange's ''One Under/Better'' pricing model for Destination Specific Orders (as defined below). In connection with these changes, the Exchange is also proposing to make

[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 defined in Exchange Rule 11.9(c)(9).

various modifications to the format of its fee schedule that are intended to simplify and increase the understandability of the fee schedule.

Tiers and Trading Volume

The Exchange currently offers tiered pricing structures for both adding and removing liquidity. Under these tiered pricing structures, Members that have an average daily volume (''ADV'') on the Exchange of at least 0.2% but less than 0.4% of average total consolidated volume (''TCV'') (the ''Bottom Tier Threshold'') are charged a fee that is lower than the standard adding fee for adding displayed liquidity or receive a higher rebate than the standard removal rebate for removing liquidity. Similarly, Members that have an ADV on the Exchange of at least 0.4% of average TCV (the ''Upper Tier Threshold'') are charged an even lower fee for adding displayed liquidity or receive an even higher rebate for removing liquidity. Furthermore, Members that qualify for either the Upper Tier Threshold or the Bottom Tier Threshold also qualify for an additional discount to the applicable fee to add displayed liquidity when a displayed order sets the national best bid or offer (''NBBO'') upon entry (the ''NBBO Setter Program'').

With respect to its tiered pricing structure, the Exchange is proposing to: (i) eliminate the tiered pricing structure for removing liquidity; (ii) eliminate the Upper Tier and the Bottom Tier Threshold; (iii) replace the use of the defined term ADV for purposes of tier calculations with a defined term of ADAV, or average daily added volume, as further described below; and (iv) implement a new tier, requiring ADAV of 0.3% of average TCV (the ''0.3% ADAV Tier''). As noted above, the Exchange proposes to modify the existing defined term of ADV, used to calculate tiers, with ADAV, which would mean ''average daily volume calculated as the number of shares added per day on a monthly basis.'' In contrast, the current defined term, ADV, includes both added and removed volume in the calculation. Other than limiting volume counted to added volume, the Exchange does not otherwise propose to modify the way that volume is calculated for purposes of tiers.

Rebates To Remove Liquidity

As described above, the Exchange currently offers a tiered pricing structure for executions that remove liquidity in securities priced $1.00 and above. Currently, the Exchange provides a rebate of $0.0003 per share to remove liquidity for Members that reach the Upper Tier Threshold; a rebate of $0.0002 per share to remove liquidity for Members that reach the Bottom Tier Threshold, but not the Upper Tier Threshold; and a rebate of $0.0001 per share to remove liquidity for Members that do not reach the Bottom Tier Threshold.

As described above, the Exchange proposes to eliminate the tiers applicable to executions that remove liquidity from the Exchange. The Exchange instead proposes to provide a standard rebate of $0.0015 per share for all orders that remove liquidity from the Exchange, other than orders that remove Mid-Point Peg liquidity, as described below. The proposed change to the remove liquidity rebate structure is reflective of the ongoing intense level of competition for order flow in the cash equities markets, and specifically among exchanges that provide rebates to market participants accessing liquidity.

Consistent with the current fee structure, the fee structure for executions that remove liquidity from the Exchange described above will not apply to executions that remove liquidity in securities priced under $1.00 per share. The fee for such executions will remain at 0.10% of the total dollar value of the execution.

Fees To Add Liquidity

As set forth below, the Exchange proposes to modify various fees charged to add displayed liquidity to the Exchange. The Exchange is not proposing to change pricing for securities priced under $1.00 and will continue to offer executions free of charge for orders that add liquidity in securities priced under $1.00 per share.

Displayed Liquidity

As described above, the Exchange currently maintains a tiered pricing structure for adding displayed liquidity in securities priced $1.00 and above that allows Members to add liquidity at a reduced fee if they reach certain volume thresholds. Currently, pursuant to the NBBO Setter Program, the Exchange does not charge or provide a rebate to Members that reach the Upper Tier Threshold for orders that add liquidity and set the NBBO, but rather provides such executions free of charge. The Exchange currently charges Members that reach the Upper Tier Threshold $0.0001 per share for orders that add displayed liquidity but do not qualify for NBBO Setter Program pricing. Members that achieve the Lower Tier Threshold but not the Upper Tier Threshold are currently charged a liquidity adding fee of $0.0001 per share on orders that set the NBBO and $0.0002 per share for orders that do not set the NBBO. The Exchange charges a liquidity adding fee of $0.0003 per share to Members that do not qualify for a reduced fee based on their volume on the Exchange.

As described above, the Exchange proposes to eliminate the existing tier structure and to implement a single tier, the 0.3% Tier Threshold. The Exchange proposes to increase its fees to add displayed liquidity for all Members by at least $0.0013 per share. Specifically, the Exchange proposes to charge Members that reach the 0.3% Tier Threshold a liquidity adding fee of $0.0013 per share on orders that set the NBBO and to charge a liquidity adding fee of $0.0014 per share on orders by such Members that do not set the NBBO. For Members that do not reach the 0.3% Tier Threshold, the Exchange proposes to charge a liquidity adding fee of $0.0017 per share.

The Exchange also proposes to group the types of fees applicable under the fees to add displayed section as displayed liquidity, non-displayed liquidity and Mid-Point Peg liquidity. In connection with this change, the Exchange is moving, but not modifying language regarding the $0.0030 fee that is currently applied to displayed orders that are subject to price sliding and receive price improvement when executed. This language also currently applies to non-displayed liquidity, which the Exchange is not proposing to change. The Exchange is simply proposing to separately set forth this fee under the displayed liquidity section and the non-displayed liquidity section.

Non-Displayed Liquidity

As noted above, the Exchange proposes to group fees to add non-displayed liquidity under a new sub-heading, ''Fees to Add Other Non-Displayed Liquidity.'' The Exchange proposes the following changes to the fees to add non-displayed liquidity.

The Exchange currently charges a fee of $0.0010 per share to add non-displayed liquidity to the Exchange. The Exchange proposes to increase its fees to add non-displayed liquidity to a fee of $0.0024 per share. As described below, the Exchange also proposes to adopt separate fees applicable to adding Mid-Point Peg liquidity, which is currently charged in the same way as all other non-displayed liquidity. In this connection, the Exchange proposes to modify current footnote 3 on the fee schedule, to make clear that Mid-Point Peg liquidity is not included in such pricing. The Exchange also proposes to correct a typographical error in footnote 3, which references the non-displayed

liquidity ''rebate'' by instead referring to the fee for adding non-displayed liquidity. This change is consistent with both current pricing and pricing as proposed, where non-displayed liquidity added to the Exchange is always charged a fee. As is also described above, the Exchange proposes to include language regarding the $0.0030 fee that is currently applied to non-displayed orders that receive price improvement when executed in the non-displayed liquidity.

Mid-Point Peg Liquidity

The Exchange currently does not differentiate any fees and rebates applicable to Mid-Point Peg liquidity. Thus, Mid-Point Peg liquidity is currently charged the standard fee to add non-displayed liquidity. Similarly, orders that interact with Mid-Point Peg liquidity do not receive any different fees or rebates than they otherwise would receive.

In order to incentivize the growth of Mid-Point Peg liquidity on the Exchange, which liquidity can provide substantial price improvement to all Exchange participants, the Exchange proposes to add specific fees and rebates for Mid-Point Peg liquidity. The Exchange proposes to provide a discounted rate to add Mid-Point Peg liquidity as compared to other non-displayed liquidity. The Exchange proposes to charge a standard fee of $0.0010 per share to add Mid-Point Peg liquidity, which is $0.0014 less per share than to add other non-displayed liquidity. In addition, the Exchange proposes to charge a further discounted fee of $0.0005 per share to add Mid-Point Peg liquidity to all Members that qualify for the 0.3% Tier Threshold.

Because of the substantial price improvement provided by such Mid-Point Peg liquidity, the Exchange proposes to provide executions against such liquidity free of charge but also without providing a rebate. The Exchange also proposes to apply such pricing to ''Retail Orders'' (as defined below) that remove Mid-Point Peg liquidity. Accordingly, as proposed, Retail Orders would receive no rebate when removing Mid-Point Peg liquidity. The Exchange proposes to modify the description of pricing for Retail Orders, including footnote 4, to make this pricing clear.

Retail Orders That Remove Non-Displayed Liquidity

Currently, pursuant to the Retail Price Improvement (''RPI'') program the Exchange provides a $0.0025 rebate per share for any Retail Order [7] that removes liquidity from the Exchange (except for: (i) a Retail Order that removes displayed liquidity and, (ii) as proposed, a Retail Order that removes Mid-Point Peg liquidity, which are both subject to standard rebates and fees). The Exchange currently charges a $0.0025 fee per share for any Retail Price Improving Order [8] that adds liquidity to the Exchange order book and is removed by a Retail Order. Finally, the Exchange currently charges a $0.0010 fee per share for any non-displayed order that adds liquidity to the Exchange order book and is removed by a Retail Order. The Exchange proposes to eliminate the separate reference and $0.0010 fee per share for a non-displayed order that adds liquidity to the Exchange and is removed by a Retail Order. Accordingly, all such orders will be charged based on the standard fee schedule, which, as proposed, would be a fee of $0.0024 per share.

Destination Specific Orders

The Exchange currently provides a discounted fee for Destination Specific Orders routed to certain market centers (NYSE, NYSE Arca, and NASDAQ), which, in each instance is $0.0001 less per share for orders routed to such market centers by the Exchange than such market centers currently charge for removing liquidity (referred to by the Exchange as ''One Under'' pricing). Consistent with this program, the Exchange provides an enhanced rebate for Destination Specific Orders routed to EDGA Exchange that is $0.0001 more per share than EDGA Exchange provides for removing liquidity (referred to by the Exchange as ''One Better'' pricing, and collectively with One Under pricing, the ''One Under/Better'' pricing model). The Exchange proposes to remove EDGA Exchange from the One Under/Better pricing model and to instead provide a pass through of the applicable rebate provided by EDGA Exchange. Specifically, the Exchange proposes to provide a rebate of $0.0002 per share for orders routed to and executed at EDGA Exchange as a Destination Specific Order.

The Exchange also proposes to add NASDAQ BX to the One Under/Better pricing model. NASDAQ BX currently provides a standard rebate of $0.0013 per share to remove liquidity. Thus, the Exchange proposes to provide a rebate of $0.0014 per share for orders routed to and executed at NASDAQ BX as a Destination Specific Order.

The Exchange imposes a charge of $0.0030 per share for Destination Specific Orders sent to and executed by any market center for which it does not have any separately identified pricing. Based on the change described above, the Exchange proposes to add NASDAQ BX to the list of market centers to which this charge does not apply. The Exchange also proposes to eliminate specific pricing for Destination Specific Orders to BATS Exchange, Inc. (''BZX Exchange'') because such pricing is already set at a fee of $0.0030, and thus, there is no need to separately specify pricing for Destination Specific Orders to BZX Exchange.

Other Structural Changes

In addition to the changes described above, the Exchange proposes to make various formatting and structural changes, including: (i) restructuring the titles for the fee sections applicable to adding and removing liquidity; (ii) as set forth above, separately setting forth add liquidity fees under headings for displayed liquidity, mid-point peg liquidity and non-displayed liquidity; (iii) removing from the title for the One Under/Better program applicable to Destination Specific orders the list of markets to which such program applies and instead simply stating ''Specified Markets''; (iv) removing language referencing liquidity added to or removed from the ''BYX Exchange order book,'' as such language is unnecessary given the context in which it is used.

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.[9] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[10] 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

[7] As defined in BYX Rule 11.24(a)(2), a ''Retail Order'' is an agency order that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.

[8] As defined in BYX Rule 11.24(a)(3), a ''Retail Price Improvement Order'' consists of non-displayed interest on the Exchange that is priced better than the Protected NBB or Protected NBO by at least $0.001 and that is identified as such.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

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.

Generally, the changes to Exchange execution fees and rebates proposed by this filing are intended to attract order flow to the Exchange by continuing to offer competitive pricing while also allowing the Exchange to continue to offer incentives to provide aggressively priced displayed liquidity.

With respect to the proposed changes to the pricing structure for removing liquidity from the Exchange, the Exchange believes that its proposal is reasonable because it will eliminate the tier structure necessary to qualify for the highest remove liquidity rebate, thus greatly increasing the base of Members eligible for this rebate. The Exchange also believes that the rebates are reasonable and equitably allocated because the proposed changes will significantly increase this rebate from as compared to the current structure. The proposed rebates are equitably allocated and not unfairly discriminatory due to the fact that the rebates will apply equally to all members.

With respect to the increases to the fees charged to add displayed liquidity, the Exchange believes that the proposed fees are reasonable and equitably allocated as they are designed to attract additional removing liquidity to the Exchange. So, while the Exchange is proposing to increase fees on a per share basis, it is simultaneously providing higher rebates to all Members for removing liquidity. Thus, although the change increases the fee for orders that provide liquidity, it provides an offsetting increase in the rebate for orders removing liquidity. The Exchange also believes that simplifying the tiered pricing structure such that there is one tier to attain will benefit Members and will further incentivize Members to provide tighter and deeper liquidity. Further, although they are not paid a credit for liquidity provision under the pricing structure, and instead pay a fee that will be increased, certain Members of the Exchange nevertheless find it advantageous to post liquidity because the rebate paid to liquidity takers further encourages the execution of posted orders.

Volume-based tiers such as the liquidity add tiers maintained by the Exchange have been widely adopted in the equities markets, and are equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide rebates 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. The Exchange believes that any additional revenue that it may receive based on the amendments to the fee schedule as proposed will allow the Exchange to devote additional capital to its operations and to continue to offer competitive pricing, which, in turn, will benefit Members of the Exchange.

With respect to new pricing and tiers for Mid-Point Peg liquidity, the Exchange believes that they are reasonable because they will reduce fees for Members that use higher volumes of Mid-Point Peg Orders to offer price improvement. The changes are consistent with an equitable allocation of fees because the Exchange believes that it is equitable to provide financial incentives, such as both the reduced fees for all Members for executions of Mid-Point Peg Orders and the further reduced fees for Members that meet the applicable tier, to encourage Members to submit Mid-Point Peg liquidity, which will provide price improvement, as opposed to other non-displayed liquidity. The changes are not unfairly discriminatory because the use of Mid-Point Peg Orders is equally available to all Members and because the proposed tier is structured as a market participation based pricing tier, under which the level of fee reduction increases as the Member's relative volume increases. As noted above, such pricing tiers are widely in use at various national securities exchanges and have been accepted as consistent with the Act because the financial benefit offered is correlated to the member's usage of the market.

The Exchange also believes that not providing a rebate for orders that remove a Mid-Point Peg Order, including Retail Orders, is reasonable because the removing order will be guaranteed to receive price improvement when executed. The Exchange also believes that the changes are equitably allocated and not unfairly discriminatory because the changes apply equally to all orders that remove Mid-Point Peg Orders across all Members.

The Exchange believes that charging the same fees for non-displayed orders, regardless of the removing party is reasonable because it provides a more simple and predictable fee structure for Members that enter non-displayed liquidity. While the Exchange acknowledges that the proposed change marks an increase in fees charged for non-displayed liquidity that is removed by a Retail Order, this change is reasonable because it removes a variable in fees charged based on a factor entirely out of the control of the Member entering the order. The Exchange also believes that the changes are equitably allocated and not unfairly discriminatory because the changes apply equally to all Members.

The adoption of new pricing for a Destination Specific Order that offers improvement of the execution rebate offered by NASDAQ BX and the elimination of the EDGA Destination Specific Order from the One Under/Better pricing model are changes intended to attract order flow to BYX by offering competitive rates to Exchange Members for strategies that first check the BYX order book before routing to away venues. In particular, as the Exchange's proposed pricing model is more competitive as compared to NASDAQ BX than it is EDGA, the Exchange believes that a Destination Specific Order to NASDAQ BX is more appropriate to be included in the One Under/Better pricing model. Further, the Exchange's proposal will result in increased rebates that will benefit Members due to the obvious economic benefit those Members will receive and the potential of increased available liquidity at the Exchange. The fee is equitably allocated and not unfairly discriminatory as it will be equally applied to all Members.

Finally, the proposed changes to the formatting and structure of the fee schedule are designed to clarify and simplify the fee schedule and the Exchange believes that such changes are fair and reasonable, and non-discriminatory in that they are designed to be more easily understood by Members.

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. Because the market for order execution is extremely competitive, Members may choose to preference other market centers ahead of the Exchange if they believe that they can receive better fees or rebates elsewhere. Further, because certain of the proposed changes are intended to provide incentives to Members that will result in increased activity on the Exchange, such changes are necessarily competitive. The

Exchange also believes that its pricing for removing liquidity is appropriately competitive vis-à-vis the Exchange's competitors, with at least one such competitor, NASDAQ BX, offering a similar pricing model. In a competitive environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and alternative liquidity sources. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. Further, the modifications described herein are a direct response to competition, which should be viewed as a positive signal that a competitive market exists. If the changes are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing order execution venues to maintain their competitive standing in the financial markets. The Exchange believes that continuing to incentivize the entry of aggressively priced, displayed liquidity fosters intra-market competition to the benefit of all market participants that enter orders to the Exchange. Finally, the Exchange does not believe that any of the changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors.

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.

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 [11] and paragraph (f) of Rule 19b–4 thereunder.[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.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2014–004 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–BYX–2014–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BYX–2014–004 and should be submitted on or before May 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08825 Filed 4–17–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71938; File No. SR–NYSEArca–2013–144]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the ETSpreads HY Long Credit Fund, the ETSpreads HY Short Credit Fund, the ETSpreads IG Long Credit Fund, and the ETSpreads IG Short Credit Fund Under NYSE Arca Equities Rule 8.600

April 14, 2014.

I. Introduction

On December 27, 2013, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the ETSpreads HY Long Credit Fund, the ETSpreads HY Short Credit Fund, the ETSpreads IG Long Credit Fund, and the ETSpreads IG Short Credit Fund (each a ''Fund'' and, collectively, ''Funds'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on January 15, 2014.[3] On February 26, 2014, the Commission issued a notice of designation of a longer period for Commission action on the proposed rule change.[4] On April 11, 2014, the Exchange filed Amendment

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71266 (January 9, 2014), 79 FR 2705 (''Notice'').

[4] *See* Securities Exchange Act Release No. 71618, 79 FR 12254 (March 4, 2014). Pursuant to Section 19(b)(2) of the Act, the Commission determined that it was appropriate to designate a longer period within which to take action on the proposed rule change. Accordingly, the Commission designated April 15, 2014, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change.

No. 1 to the proposed rule change.[5] The Commission received no comments on the proposal. The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 1 thereto, on an accelerated basis.

II. Description of the Proposal

The Exchange proposes to list and trade the Shares of each Fund under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares. The Shares will be offered by Exchange Traded Spreads Trust (''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[6] ETSpreads, LLC (''Adviser'') is the investment adviser for each Fund and is a registered investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). ALPS Distributors, Inc. will serve as the principal underwriter and distributor for each Fund. The Exchange represents that the Adviser is not registered as a broker-dealer, but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition or changes to the Funds' portfolios.[7]

The Exchange has made the following representations and statements in describing the Funds and their respective investment strategies, including other portfolio holdings and investment restrictions.[8]

Description of the Funds

Each Fund will seek to provide exposure to a long or short position with respect to a specific segment of the North American corporate credit markets.[9] The strategy of each of the Funds involves buying and selling credit default swaps (''CDS'') to outperform, before fees and expenses, either a long or short position tied to its benchmark index. Currently, each Fund will use either the Markit CDX North American Investment Grade 5-year Total Return Index or the Markit CDX North American High Yield 5-year Total Return Index (each an ''Index'' or ''CDX Index,'' and collectively, ''Indices'') as its benchmark.[10] None of the Funds will use leverage, and each Fund will maintain sufficient assets at all times so that it can meet its payment, margin, or other obligations without borrowing.[11] While actual percentages will vary, it is generally expected that less than 20% of a Fund's assets will be in CDS and non-principal investments (as described below), and the balance of a Fund's assets will be U.S. Treasury securities, money market instruments, and cash.

A. Principal Investments

To meet its respective investment objective, under normal market conditions,[12] each Fund intends to invest substantially all of its assets in: (1) CDS that are cleared by a clearing organization [13] and which are either (a) CDS index swaps, including swaps based on the CDX Index (''CDX Index swaps''), based on multiple CDS relating to the debt issued by different Reference Entities,[14] or (b) ''Single Name CDS,'' which are CDS that relate only to the debt issued by a single Reference Entity; [15] (2) futures contracts based on CDS or other similar futures contracts; and (3) obligations of, or those guaranteed by, the United States government with a maturity of less than six years (''U.S. Treasury securities''), money market instruments, and cash. Each of the Funds' investments, including derivatives, will be consistent with its investment objective.

1. ETSpreads IG Long Credit Fund

The investment objective of the Fund is to provide long exposure to the credit of a diversified portfolio of North

[5] In Amendment No. 1, the Exchange expands the information that would be included in the Funds' Disclosed Portfolios. Specifically, the investment adviser to the Funds would include the following information (as applicable) in the Disclosed Portfolios, which would be updated daily on the Funds' Web site: ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index, Reference Entity(ies) or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in a Fund's portfolio.

[6] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). According to the Exchange, on April 9, 2013, the Trust filed with the Commission an amendment to the registration statement for the Funds on Form N–1A under the Securities Act of 1933 and under the 1940 Act relating to the Funds (File Nos. 333–148886 and 811–22177) (''Registration Statement''). The Exchange also states that the Trust has obtained certain exemptive relief from the Commission under the 1940 Act. *See* Investment Company Act Release No. 30378 (February 5, 2013) (''Exemptive Order''). The Exchange represents that the investments made by the Funds will comply with the conditions set forth in the Exemptive Order.

[7] *See* Commentary .06 to NYSE Arca Equities Rule 8.600. The Exchange further represents that in the event (a) the Adviser becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser, if any, is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition or changes to a portfolio, and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding such portfolio.

[8] The Commission notes that additional information regarding the Trust, the Funds, and the Shares, including information on swaps, in general, and credit default swaps (''CDS''), in particular, methodology and construction of the Indices (as defined below), investment strategies, risks, net asset value (''NAV'') calculation, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions, and taxes, among other information, is included in the Notice and the Registration Statement, as applicable. *See* Notice and Registration Statement, *supra* notes 3 and 6, respectively.

[9] With respect to a particular credit market, a ''long position'' means that an investor expects that the issuers of debt securities in a particular debt market will be able to meet their obligations in accordance with the terms of such debt securities in full and on-time. With respect to a particular credit market, a ''short position'' means that an investor expects there will be an increased likelihood that the issuers of debt securities in a particular debt market will not be able to meet their obligations in accordance with the terms of such debt securities in full or on-time.

[10] The Markit CDX North American Investment Grade 5-year Total Return Index is designed to track the credit quality of 125 investment grade North American debt issuers or the unsubordinated debt obligations of such debt issuers. The Markit CDX North American High Yield 5-year Total Return Index is designed to track the credit quality of 100 high yield North American debt issuers or the unsubordinated debt obligations of such debt issuers.

[11] In general, no leverage means that, for each $100 million of assets under management, the relevant Fund will be a net buyer or seller (consistent with its investment objective) of protection on $100 million.

[12] The term ''under normal market conditions'' includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; events or circumstances causing a disruption in market liquidity or orderly markets; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[13] The Funds intend to use ICE Clear Credit LLC and CME Clearing as the clearing organizations for their cleared CDS. ICE Clear Credit LLC is a subsidiary of the IntercontinentalExchange, Inc. ICE Clear Credit LLC is registered with the Commodity Futures Trading Commission (''CFTC'') as a clearing house for credit default swaps, including CDX Index swaps. CME Clearing is a division of Chicago Mercantile Exchange Inc. (''CME''), which is a subsidiary of the CME Group Inc. CME is registered with the CFTC as a clearing house for CDS, including CDX Index swaps.

[14] The Exchange states that a ''Reference Entity'' is the entity whose debt underlies a Single Name CDS. A Reference Entity can be a corporation, government, or other legal entity that issues debt of any kind. The Exchange also states that CDX Index swaps are based on a particular index that includes Single Name CDS of several Reference Entities.

[15] Fund transactions in CDS cleared through a clearing organization that have been designated by the CFTC or the Commission as ''made available to trade'' will be executed on exchanges or on a swap execution facility subject to CFTC or Commission oversight or regulation.

American investment grade debt issuers. With respect to a particular credit market, a ''long position'' means that an investor expects that the issuers of debt securities in a particular debt market will be able to meet their obligations in accordance with the terms of such debt securities in full and on-time. The Fund will invest, under normal market conditions, substantially all of its assets in (i) CDS cleared by a clearing organization which are either (a) CDS index swaps based on multiple CDS relating to the debt issued by different Reference Entities, or (b) Single Name CDS based on CDS relating to the debt issued by a single Reference Entity; (ii) futures contracts based on CDS or other similar futures contracts; and (iii) U.S. Treasury securities, money market instruments, and cash. In order to gain exposure to the investment grade credit market, the Fund will normally be a net protection seller under its CDS, and will be required to make payments to the protection buyer when a specified adverse credit event occurs relating to a Reference Entity.

If the Fund is successful in meeting its objective, its NAV should generally increase when the North American investment grade credit market is improving. Conversely, its NAV should generally decrease when the North American investment grade credit market is deteriorating.

2. ETSpreads IG Short Credit Fund

The investment objective of the Fund is to provide short exposure to the credit of a diversified portfolio of North American investment grade debt issuers. The Fund will invest, under normal market conditions, substantially all of its assets in (i) CDS cleared by a clearing organization which are either (a) CDS index swaps based on multiple CDS relating to the debt issued by different Reference Entities, or (b) Single Name CDS based on CDS relating to the debt issued by a single Reference Entity; (ii) futures contracts based on CDS or other similar futures contracts; and (iii) U.S. Treasury securities, money market instruments, and cash. To gain short exposure to the investment grade credit market, the Fund will normally be a net protection buyer under its CDS, and therefore will be required to make the ongoing payments specified under such contracts that represent the cost of purchasing protection from adverse credit events relating to a Reference Entity.

If the Fund is successful in meeting its objective, its NAV should generally decrease as the North American investment grade credit market is improving. Conversely, its NAV should generally increase as the North American investment grade credit market is deteriorating.

3. ETSpreads HY Long Credit Fund

The investment objective of the Fund is to provide long exposure to the credit of a diversified portfolio of North American high yield debt issuers. The Fund will invest, under normal market conditions, substantially all of its assets in (i) CDS cleared by a clearing organization which are either (a) CDS index swaps based on multiple CDS relating to the debt issued by different Reference Entities, or (b) Single Name CDS based on CDS relating to the debt issued by a single Reference Entity; (ii) futures contracts based on CDS or other similar futures contracts; and (iii) U.S. Treasury securities, money market instruments, and cash. To gain exposure to the high yield credit market, the Fund will normally be a net protection seller under its CDS, *i.e.,* it will be required to make payments to the protection buyer when a specified adverse credit event occurs relating to a Reference Entity.

If the Fund is successful in meeting its objective, its NAV should generally increase when the North American high yield credit market is rallying, which means that credit quality is improving and differences or ''spreads'' between the returns on high yield debt securities generally and the returns on debt securities with comparable maturities that are essentially free of credit risk (such as U.S. Treasury securities) are decreasing or ''tightening.'' Conversely, its NAV should generally decrease when the North American high yield credit market is falling (going down), credit quality is deteriorating, and spreads are increasing or ''widening.''

4. ETSpreads HY Short Credit Fund

The investment objective of the Fund is to provide short exposure to the credit of a diversified portfolio of North American high yield debt issuers. The Fund will invest substantially all of its assets in (i) CDS cleared by a clearing organization which are either (a) CDS index swaps based on multiple CDS relating to the debt issued by different Reference Entities, or (b) Single Name CDS based on CDS relating to the debt issued by a single Reference Entity; (ii) futures contracts based on CDS or other similar futures contracts; and (iii) U.S. Treasury securities, money market instruments, and cash. To gain short exposure to the high yield credit market, the Fund will normally be a net protection buyer under its CDS, *i.e.,* it will be required to make the ongoing payments specified under such contracts that represent the cost of purchasing protection from adverse credit events relating to a Reference Entity.

If the Fund is successful in meeting its objective, its NAV should generally decrease when the North American high yield credit market is improving. Conversely, its NAV should generally increase as the North American high yield credit market is deteriorating.

B. Non-Principal Investments of the Funds

While each Fund will invest, under normal market conditions, substantially all of its assets as described above under each Fund's principal investment strategies, each Fund may invest in, to the extent that CDS cleared by a clearing organization are not available, fully collateralized non-cleared CDS transactions,[16] and (1) to the extent available, options that are cleared through a clearing organization regulated or subject to the oversight of the CFTC or the Commission [17] and (2) if options cleared through a clearing organization are not available, fully collateralized non-cleared OTC options, in each case, relating to the following: options on CDS, options on CDS futures, options on CDS indexes and options on U.S. Treasury securities.[18]

[16] To reduce the credit risk that arises in connection with investments in non-cleared swaps, each of the Funds generally will enter into an agreement with each counterparty based on a Master Agreement published by the International Swaps and Derivatives Association, Inc. that provides for the netting of its overall exposure to its counterparty. The Adviser will assess or review, as appropriate, the creditworthiness of each potential or existing counterparty to an over-the-counter (''OTC'') contract pursuant to guidelines approved by the Adviser. Furthermore, the Adviser on behalf of the Funds will only enter into OTC contracts with counterparties who are, or are affiliates of, (a) banks regulated by a United States federal bank regulator, (b) swap dealers or securities based swap dealers regulated by the CFTC and/or the Commission, (c) broker-dealers regulated by the Commission, or (d) insurance companies domiciled in the United States. Existing counterparties will be reviewed periodically by the Adviser. The Funds also may require that the counterparty be highly rated or provide collateral or other credit support.

[17] Fund transactions in options cleared through a clearing organization that have been designated by the CFTC or the Commission as ''made available to trade'' will be executed by the Funds on an exchange or on a swap execution facility subject to CFTC or Commission oversight or regulation.

[18] The Exchange states that each of the Funds' CDS transactions, whether cleared or uncleared, and the options described above will be subject to CFTC or Commission reporting, including the reporting of detailed transaction data to swap data repositories subject to CFTC or the Commission oversight or regulation. According to the Exchange, all swap transaction data, including data on options, will be available to the CFTC and the Commission and certain bank or other regulators. In addition, with certain exceptions (*e.g.,* delays for large block trades), a portion of each CDS transaction's data will be available to major market

Continued

Each Fund also may utilize other types of swap agreements, including but not limited to: total return swaps on debt, equity or CDS or indexes relating to the foregoing; bond or corporate credit index swaps; and interest rate swaps. A Fund may utilize these swap agreements in an attempt to gain exposure to the investments used to meet its investment objective in a market without actually purchasing those investments, or to hedge a position.

Each Fund may invest in the securities of other investment companies, consistent with the requirements of Section 12(d)(1) of the 1940 Act, or any rule, regulation or order of the Commission or interpretation thereof.

Each Fund may enter into repurchase agreements with financial institutions, which may be deemed to be loans. Each Fund follows certain procedures designed to minimize the risks inherent in such agreements. These procedures include effecting repurchase transactions only with large, well-capitalized, and well-established financial institutions whose condition will be continually monitored by the Adviser. In addition, the value of the collateral underlying the repurchase agreement will always be at least equal to the repurchase price, including any accrued interest earned on the repurchase agreement.

C. The Funds' Investment Restrictions

Each of the Funds may hold up to an aggregate amount of 15% of its net assets in illiquid investments (calculated at the time of investment) in accordance with Commission staff guidance. The Funds will monitor their portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will take appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid investments. Illiquid investments include investments subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Funds will not invest in any equity securities except for investment company securities, and will be non-diversified, which means that a Fund may invest its assets in a smaller number of issuers than a diversified fund. In addition, the Funds intend to invest only in futures contracts traded on exchanges that are subject to CFTC or Commission oversight or regulation.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[19] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1 thereto, is consistent with Section 6(b)(5) of the Exchange Act,[20] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Funds and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 for the Shares to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,[21] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information for the Shares and exchange-traded investment company securities will be available via the Consolidated Tape Association (''CTA'') high-speed line. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

The Commission also believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. On each business day, before commencement of trading in Shares in the Core Trading Session (9:30 a.m. to 4:00 p.m. Eastern Time) on the Exchange, the Funds will disclose on their Web site the Disclosed Portfolio, as defined in NYSE Arca Equities Rule 8.600(c)(2), that will form the basis for the Funds' calculation of NAV at the end of the business day.[22] The Web site information will be publicly available at no charge. The NAV per Share of each Fund will be calculated by The Bank of New York Mellon and determined as of the close of regular trading on the Exchange (ordinarily 4:00 p.m. Eastern Time) on each day that the Exchange is open. The Exchange will obtain a representation from the issuer of the Shares that the NAV per share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

According to the Exchange, market participants, particularly large institutional investors, regularly receive executable and indicative quotations on CDS from dealers. In addition, intra-day and end-of-day prices for all Single Name CDS, CDS index swaps, or other financial instruments held by a Fund will be available through major market data vendors or broker-dealers or on the exchanges on which they are traded. Major market vendors which provide intra-day and end-of-day prices for both Single Name CDS and CDS index swaps include Markit, Credit Market Analysis Ltd., and Bloomberg L.P. Bloomberg L.P., Thomson Reuters Corporation, and similar data vendors provide intra-day and end-of-day pricing data for U.S. Treasury securities and money market instruments. Exchanges which provide intraday and end-of-day prices for futures and options on futures include ICE Futures and CME Group. Broker-dealers provide intraday and end-of-day prices for non-cleared swaps and options, including options on Single Name CDS and options on CDS index swaps.

The Exchange further states that ICE Clear Credit LLC and CME Clearing provide daily price and transaction information for swaps that it or its affiliate clears by subscription to its members and other market participants.

data vendors on a real time, though anonymous, basis.

[19] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[22] Under accounting procedures followed by the Funds, trades made on the prior business day (T) will be booked and reflected in NAV on the current business day (T+1). Accordingly, the Funds will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

Additionally, pricing intraday regarding various CDS index swaps is provided free to the public, with a fifteen minute delay, on the Markit Web site (*https://source.markit.com*). Daily trading volume of cleared swaps transacted via the ICE Clear Credit LLC and CME Clearing clearing organizations is also available through their respective Web sites.

According to the Exchange, another source of intra-day information about Single Name CDS prices is the market for OTC corporate bonds on which the CDS are based. Because CDS represent the credit risk component of corporate bonds, and the effect of interest rate changes on the prices of corporate bonds is readily calculable, market professionals are able to obtain substantial information about the intra-day value of CDS based on data on the intra-day value of the underlying corporate bonds (short-term variations between the bond and CDS markets do arise, and may occur more frequently when such markets are volatile). One source of bond price information is the Financial Industry Regulatory Authority's (''FINRA'') Trace Reporting and Compliance System (''TRACE''). TRACE reports executed prices on corporate bonds, including high-yield bond transactions. TRACE reported prices are available without charge on the FINRA Web site on a ''real time'' basis (subject to a fifteen minute delay) and also are available by subscription from various information providers. In addition, authorized participants and other market participants, particularly those that regularly deal or trade in corporate bonds, have access to intra-day corporate bond prices from a variety of sources other than TRACE, such as Thomson Reuters, Interactive Data and MarketAxess.

The Exchange states that the intraday, closing, and settlement prices of U.S. Treasury securities, money market instruments, and repurchase agreements will be readily available from published or other public sources, or major market data vendors such as Bloomberg and Thomson Reuters. Price information regarding exchange-traded options is available from the exchanges on which such instruments are traded and from Market Data Express's (an affiliate of Chicago Board Options Exchange) Customized Option Pricing Service. Price information regarding OTC options is available from major market data vendors. Intra-day and closing price information for shares of exchange-listed investment company securities are available from the exchange on which such securities are principally traded and from major market data vendors. The NAV of any investment company security investment will be readily available on the Web site of the relevant investment company and from major market data vendors. Major market data vendors also provide intra-day and end-of-day prices for total return swaps, bond, or corporate credit index swaps, and interest rate swaps.

The Exchange states that the Portfolio Indicative Value of the Funds, as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.[23] In addition, the Web site for the Funds will include a form of the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information. The Exchange represents that trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable,[24] and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Funds may be halted.

The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Commission notes that, consistent with NYSE Arca Equities Rule 8.600(d)(2)(B)(ii), the Reporting Authority, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of each Fund's portfolio.[25] The Exchange states that the Adviser has implemented a ''fire wall'' with respect to its broker-dealer affiliate regarding access to information concerning the composition or changes to the Funds' portfolios.[26] Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. FINRA, on behalf of the Exchange,[27] will communicate as needed regarding trading in the Shares, futures, exchange-listed options, and exchange-listed investment company securities with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG'').[28] The Exchange also states that FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, futures, exchange-listed options, and exchange-listed investment company securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, futures, exchange-listed options, and exchange-listed investment company securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, also is able to access, as needed, trade information for certain fixed-income securities held by the Funds reported to FINRA's TRACE.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions (Opening, Core, and Late Trading Sessions).

(2) The Shares will conform to the initial and continuing listing criteria under NYSE Arca Equities Rule 8.600.

(3) Trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to detect and help deter violations of Exchange rules

[23] According to the Exchange, several major market data vendors display or make widely available Portfolio Indicative Values taken from the CTA or other data feeds.

[24] These reasons may include: (1) the extent to which trading is not occurring in the securities or the financial instruments comprising the Disclosed Portfolio of a Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. The Exchange represents that it may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of a Fund.

[25] *See* NYSE Arca Equities Rule 8.600(d)(2)(D).

[26] *See supra* note 7 and accompanying text. The Exchange states that an investment adviser to an open-end fund is required to be registered under the Advisers Act. As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics.

[27] The Exchange states that FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[28] For a list of the current members of ISG, see *www.isgportal.org.*

and federal securities laws applicable to trading on the Exchange.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) the procedures for purchases and redemptions of Shares in creation unit aggregations (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (d) how information regarding the Portfolio Indicative Value is disseminated; (e) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) For initial and continued listing, the Funds will be in compliance with Rule 10A–3 under the Exchange Act,[29] as provided by NYSE Arca Equities Rule 5.3.

(6) Each Fund's investments, including derivatives, will be consistent with its respective investment objective.

(7) A Fund may hold up to an aggregate amount of 15% of its net assets in illiquid investments (calculated at the time of investment).

(8) A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange.

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice, and the Exchange's description of the Funds.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1 thereto, is consistent with Section 6(b)(5) of the Act [30] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 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–2013–144 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArc–2013–144. 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–NYSEArca–2013–144 and should be submitted on or before May 9, 2014.

V. Accelerated Approval of Proposed Rule Change As Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice in the **Federal Register**. The proposed Amendment supplements the proposed rule change by expanding the amount of disclosure regarding the Funds' holdings. The Commission believes that this additional information will benefit market participants. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[31] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[32] that the proposed rule change (SR–NYSEArca–2013–144), as modified by Amendment No. 1 thereto, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08791 Filed 4–17–14; 8:45 am]

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[29] 17 CFR 240.10A–3.

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78s(b)(2).

[32] 15 U.S.C. 78s(b)(2).

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71941; File No. SR–BATS–2014–011]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

April 14, 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 1, 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, II, and III 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

[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).

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 effective April 1, 2014, in order to modify the fees applicable to executions occurring through certain routing strategies at the Exchange's affiliate, BATS Y-Exchange, Inc. (''BYX'').

BYX currently provides a base rebate of $0.0001 per share when removing liquidity. To create a direct pass through of the applicable economics of executions at BYX through the Destination Specific,[6] TRIM (including TRIM2 and TRIM3),[7] and SLIM [8] routing strategies, the Exchange proposes to increase the rebate to $0.0016 per share for orders routed through such strategies and executed on BYX. The proposed change represents a pass through of the rate BATS Trading, Inc., the Exchange's affiliated routing broker-dealer, is provided for routing orders that remove liquidity from BYX. The proposed change is in response to BYX's April 2014 fee change where BYX increased its rebate from $0.0001 per share to $0.0016 per share for orders in securities priced at or above $1.00.[9] Accordingly, when BATS Trading, Inc. routes to and removes liquidity on BYX, it will now receive a standard rebate of $0.0016 per share.[10] The Exchange is not proposing any other changes to its routing fees at this time.

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 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 the proposed changes to the Exchange's rebate for TRIM (including TRIM2 and TRIM3), SLIM and Destination Specific Orders executed on BYX are equitably allocated, fair and reasonable, and non-discriminatory in that they are equally applicable to all Members and are designed to mirror the rebate applicable to the execution if such routed orders were executed directly by the Member at BYX.

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. Because the market for order execution is extremely competitive, Members may readily opt to disfavor the Exchange's routing services if they believe that alternatives offer them better value. For orders routed through the Exchange and executed at BYX through the TRIM (including TRIM2 and TRIM3), SLIM and Destination Specific Order strategies, the proposed fee change is designed to equal the rebate that a Member would have received if such routed orders would have been executed directly by a Member at BYX. 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2014–011 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–BATS–2014–011. This file number should be included on the

[5] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

[6] As defined in BATS Rule 11.9(c)(12).

[7] As defined in BATS Rule 11.13(a)(3)(G).

[8] As defined in BATS Rule 11.13(a)(3)(H).

[9] *See* the BYX Fee Schedule *available at http://www.batstrading.com/resources/regulation/rule_book/BYX_Fee_Schedule.pdf.*

[10] The Exchange notes that to the extent DE Route does or does not achieve any volume tiered rebates on BYX, its rebate for Flag BY will not change.

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(4).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f).

subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2014–011 and should be submitted on or before May 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08822 Filed 4–17–14; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 17, 2014.

ADDRESSES: Send all comments to Edith Butler, Procurement Analyst, Office of Government Contracting, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Edith Butler, Procurement Analyst, 202–619–0422, *edith.butler@sba.gov*, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: A small business determined to be non-responsible for award of a specific prime Government contract by a Government contracting office has the right to appeal that decision through the Small Business Administration (SBA). The information contained on this form, as well as, other information developed by SBA, is used in determining whether the decision by the Contracting Officer should be overturned.

Solicitation of Public Comments: SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection:

(1) *Title:* Small Business Administration Application for Certificate of Competency.

Description of Respondents: Small Businesses.

Form Number: SBA Form 1531.

Total Estimated Annual Responses: 300.

Total Estimated Annual Hour Burden: 2,400.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–08896 Filed 4–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 17, 2014.

ADDRESSES: Send all comments to Dianna Seaborn, Chief, 7(a) Policy and Program Branch, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Dianna Seaborn, Chief, 7(a) Policy and Programs Branch 202–205–3645, *Dianna.seaborn@sba.gov*, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: For SBA Financial assistance programs, information regarding the assets and liabilities of certain owners, officers and guarantors of the small business applicant benefiting from such assistance is used when analyzing the applicant's repayment abilities or creditworthiness. The information is also collected from applicants and participants in SBA's 8a/BD program to determine whether they meet the economic disadvantage requirements of the program.

Solicitation of Public Comments: SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection: (1) *Title:* Personal Financial Statement

Description of Respondents: 7(a) loan program, 504 loan program, disaster, and 8(a) BD program.

Form Number: SBA Form 413

Total Estimated Annual Responses: 44,588

Total Estimated Annual Hour Burden: 66,882

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–08891 Filed 4–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13907 and # 13908]

Georgia Disaster Number GA–00058

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–4165–DR), dated 03/06/2014.

Incident: Severe Winter Storm.

Incident Period: 02/10/2014 through 02/14/2014.

Effective Date: 04/10/2014.

Physical Loan Application Deadline Date: 05/05/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 12/08/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Georgia, dated 03/06/2014, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: White.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–08824 Filed 4–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13929 and # 13930]

Oregon Disaster # OR–00056

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oregon (FEMA–4169–DR), dated 04/04/2014.

Incident: Severe Winter Storm.

Incident Period: 02/06/2014 through 02/10/2014.

Effective Date: 04/04/2014.

Physical Loan Application Deadline Date: 06/03/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 01/05/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/04/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Benton; Lane; Lincoln; Linn.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 13929B and for economic injury is 13930B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–08829 Filed 4–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13909 and # 13910]

South Carolina Disaster Number SC–00025

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Carolina (FEMA–4166–DR), dated 03/12/2014.

Incident: Severe Winter Storm.

Incident Period: 02/10/2014 through 02/14/2014.

Effective Date: 04/08/2014.

Physical Loan Application Deadline Date: 05/12/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 12/12/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of South Carolina, dated 03/12/2014, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Lexington.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2014–08828 Filed 4–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13927 and # 13928]

New York Disaster # NY–00141

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of New York dated 04/08/2014.

Incident: East Harlem Gas Explosion.

Incident Period: 03/12/2014.

Effective Date: 04/08/2014.

Physical Loan Application Deadline Date: 06/09/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 01/08/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance,

U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: New York.

Contiguous Counties:

New York: Bronx; Kings; Queens.

New Jersey: Bergen; Hudson.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	4.500
Homeowners Without Credit Available Elsewhere	2.250
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 13927 4 and for economic injury is 13928 0.

The States which received an EIDL Declaration # are New York; New Jersey.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: April 8, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–08827 Filed 4–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Military Reservist Economic Injury Disaster Loans; Interest Rate for Third Quarter FY 2014

In accordance with the Code of Federal Regulations 13—Business Credit and Assistance § 123.512, the following interest rate is effective for Military Reservist Economic Injury Disaster Loans approved on or after April 18, 2014.

Military Reservist Loan Program—4.000%

Dated: April 11, 2014.

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–08821 Filed 4–17–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 09/79–0428 issued to Montreux Equity Partners II, SBIC, LP, said license is hereby declared null and void.

U.S. Small Business Administration.

Dated: April 2, 2014.

Javier E. Saade,

Associate Administrator for Investment.

[FR Doc. 2014–08820 Filed 4–17–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 8700]

Application by Plains Pipeline, L.P. for Issuance of a Presidential Permit To Operate and Maintain Existing Pipeline Facilities on the Border of the United States and Canada

AGENCY: Department of State.

ACTION: Extension of Comment Period Regarding an Application by Plains Pipeline, L.P. for Issuance of a Presidential Permit to Operate and Maintain Existing Pipeline Facilities on the Border of the United States and Canada.

SUMMARY: Due to technical difficulties with the submission of public comments through regulations.gov pertaining to Public Notice 8640, published on February 20, 2014 (79 FR 9786), the Department of State is extending the period for public comment that began on February 20 with regard to whether issuing a Presidential Permit to Plains Pipeline to operate and maintain a portion of the Poplar Pipeline (formerly the Wascana Pipeline) in Sheridan County, Montana would serve the national interest.

DATES: Interested parties are invited to submit comments not later than 30 days from the date of this publication with regard to whether issuing a new Presidential Permit to Plains Pipeline would serve the national interest.

ADDRESSES: To submit comments, go to the Federal eRulemaking Portal (*http://www.regulations.gov*), enter the Docket No. DOS–2014–0009 and follow the prompts.

Comments are not private. They will be posted on the site *http://www.regulations.gov.* The comments will not be edited to remove identifying or contact information, and the State Department cautions against including any information that one does not want publicly disclosed. The State Department requests that any party soliciting or aggregating comments received from other persons for submission to the State Department inform those persons that the State Department will not edit their comments to remove identifying or contact information, and that they should not include any information in their comments that they do not want publicly disclosed.

FOR FURTHER INFORMATION CONTACT: Office of Energy Diplomacy, Energy Resources Bureau (ENR/EDP/EWA) Department of State, 2201 C St. NW., Ste. 4843, Washington, DC 20520, Attn: Michael Brennan Tel: 202–647–7553.

SUPPLEMENTARY INFORMATION: As indicated in Public Notice 8640, on December 20, 2013, the Department of State (DOS) received from Plains Pipeline, L.P. (''Plains Pipeline'') notice that it has acquired the rights to operate and maintain a portion of the Poplar Pipeline in Sheridan County, Montana that is currently permitted under a 2007 Presidential Permit issued in the name of two Plains Pipeline affiliates: PMC (Nova Scotia) Company and Plains Marketing Canada L.P., collectively (''PMC''). Plains Pipeline requests that a Presidential Permit be issued in its name with respect to the pipeline facilities.

Plains Pipeline is a subsidiary of Plains All American Pipeline, L.P. (Plains), a publically traded master limited partnership with headquarters in Houston, Texas. Plains is engaged in the transportation, storage, and marketing of crude oil, refined products, and natural gas-related petroleum products.

The current Permit, issued in 2007 to PMC (Nova Scotia) Company and Plains Marketing Canada L.P., covers the 56.8-mile long Poplar Pipeline, previously

called the Wascana Pipeline, which extends from the Murphy Oil terminal northeast of Poplar, Montana, to the international border near Raymond, Montana, and which was constructed pursuant to authorization in a 1972 Permit issued to Wascana Pipeline Corp. Plains Pipeline has acquired an approximately 6.4-mile segment of the Poplar Pipeline extending from Raymond Station to the international border, repaired and replaced portions of the pipeline in that area, and installed two block valves. Plains Pipeline has submitted an application for a new Presidential Permit in its name and requests that the new Permit cover approximately 85 feet of pipeline facilities extending from a new block valve to the international border. Plains Pipeline has reported that it has separately constructed the Bakken North pipeline that extends from Trenton, North Dakota to Raymond Station, and that it intends to interconnect the Bakken North with the Poplar Pipeline in order to use the Poplar Pipeline border crossing to transport the Bakken North crude into Canada.

Plains Pipeline has stated that, upon returning the upgraded pipeline facilities to service under the 2007 Presidential Permit, Plains Pipeline will continue to operate the acquired facilities for the same purpose of transporting crude oil between the United States and Canada. It has further stated that the acquired pipeline facilities and the operation and maintenance thereof authorized by the 2007 Permit will remain substantially the same as before the transfer of the facilities to Plains Pipeline. Plains Pipeline is not seeking authorization for new construction or a change in operations.

Under E.O. 13337, the Secretary of State is designated and empowered to receive all applications for Presidential Permits for the construction, connection, operation, or maintenance at the borders of the United States of facilities for the exportation or importation of liquid petroleum, petroleum products, or other fuels (except natural gas) to or from a foreign country. The Department of State is circulating this application to concerned federal agencies for comment. The Department of State has the responsibility to determine whether issuance of a new Presidential Permit in light of Plains' acquisition and continued operation of the pipeline facilities would serve the U.S. national interest.

Plains Pipeline's application is available at *http://www.state.gov/e/enr/applicant.*

Date: April 11, 2014.

Michael Brennan,

Energy Officer, Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State.

[FR Doc. 2014–08916 Filed 4–17–14; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 8701]

Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:00 a.m. on Tuesday, May 13, 2014, in the Alexander Hamilton Room (AHR), 9th floor, of the U.S. Coast Guard Personnel Service Center (PSC), 4200 Wilson Boulevard, Suite 1100, Arlington, VA 20598–7200. The primary purpose of the meeting is to prepare for the thirty-ninth session of the International Maritime Organization's (IMO) Facilitation Committee to be held at the IMO Headquarters, United Kingdom, September 22–26, 2014.

The agenda items to be considered include:

—Decisions of other IMO bodies
—Consideration and adoption of proposed amendments to the Convention
—General review of the Convention, including harmonization with other international instruments
—E-business possibilities for the facilitation of maritime traffic
—Formalities connected with the arrival, stay and departure of persons
—Ensuring security in and facilitating international trade
—Ship/port interface
—Guidelines on minimum training and education for mooring personnel
—Technical cooperation activities related to facilitation of maritime traffic
—Relations with other organizations
—Application of the Committee's Guidelines
—Work programme
—Election of Chairman and Vice-Chairman for 2015
—Any other business

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Mr. David Du Pont, by email at *David.A.DuPont@uscg.mil*, by phone at (202) 372–1497, by fax at (202) 372–1928, or in writing at Commandant (CG–REG), U.S. Coast Guard Stop 7418, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593–7418 not later than May 6, 2014, 7 days prior to the meeting. Requests made after May 6, 2014, might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the building. The USCG PSC is in the Ballston Commons Plaza located above the Ballston Common Mall in Arlington, VA. It can be reached by driving and is conveniently located next to the Ballston Metro Station.

For members of the public that would like to participate, but are unable to attend this meeting the Coast Guard will provide a teleconference option. To participate by phone, contact the meeting coordinator (details above) to obtain teleconference information. Note the number of teleconference lines is limited and will be available on a first-come, first-served basis.

Additional information regarding this and other IMO SHC public meetings may be found at: *www.uscg.mil/imo.* Information specific to the Facilitation Committee may be found at *www.uscg.mil/imo/fal* and *www.uscg.mil/hq/cg5/cg523/imo.asp.*

Dated: April 14, 2014.

Marc Zlomek,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 2014–08922 Filed 4–17–14; 8:45 am]

BILLING CODE 4710–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Agreement on Government Procurement: Effective Date of Amendments for Japan

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: For the purpose of U.S. Government procurement that is covered by Title III of the Trade Agreements Act of 1979, the effective date of the Protocol Amending the Agreement on Government Procurement, done at Geneva on 30 March 2012, World Trade Organization (WTO), with respect to Japan is April 16, 2014.

DATES: *Effective Date:* April 16, 2014.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Scott Pietan ((202) 395–9646), Director of International Procurement Policy,

Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

SUPPLEMENTARY INFORMATION: Executive Order 12260 (December 31, 1980) implements the 1979 and 1994 Agreement on Government Procurement, pursuant to Title III of the Trade Agreements Act of 1979 as amended (19 U.S.C. 2511–2518). In section 1–201 of Executive Order 12260, the President delegated to the United States Trade Representative the functions vested in the President by sections 301, 302, 304, 305(c) and 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2511, 2512, 2514, 2515(c) and 2516).

The Protocol Amending the Agreement on Government Procurement, done at Geneva on 30 March 2012 (''Protocol''), entered into force on April 6, 2014 for the United States and the following Parties: Canada, Chinese Taipei, Hong Kong, Israel, Liechtenstein, Norway, European Union, Iceland, and Singapore. See **Federal Register** 2014–05719.

The Protocol provides that following its entry into force, the Protocol will enter into force for each additional Party to the 1994 Agreement 30 days following the date on which the Party deposits its instrument of acceptance. On March 17, 2014, Japan deposited its instrument of acceptance to the Protocol. Therefore, the Protocol shall enter into force on April 16, 2014 for Japan. Therefore, for Japan, effective April 16, 2014, all references in Title III of the Trade Agreement Act of 1979 and in Executive Order 12260 to the Agreement on Government Procurement shall refer to the 1994 Agreement as amended by the Protocol.

With respect to those Parties which have not deposited their instruments of acceptance, all references in Title III of the Trade Agreement Act of 1979 and in Executive Order 12260 to the Agreement on Government Procurement shall continue to refer to the 1994 Agreement until 30 days following the deposit by such Party of its instrument of acceptance of the Protocol.

For the full text of the Government Procurement Agreement as amended by the Protocol and the new annexes that set out the procurement covered by all of the Government Procurement Agreement Parties, see GPA–113: *http://www.ustr.gov/sites/default/files/GPA%20113%20Decision%20on%20the%20outcomes%20of%20the%20negotiations%20under%20Article%20XXIV%207.pdf.*

Michael B.G. Froman,

United States Trade Representative.

[FR Doc. 2014–08927 Filed 4–17–14; 8:45 am]

BILLING CODE 3290–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Acceptance of Noise Exposure Maps for Indianapolis International Airport (IND), Indianapolis, Indiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the updated noise exposure maps submitted by the Indianapolis International Airport (IND) under the provisions of 49 U.S.C. 47501 et. seq (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements.

DATES: This notice is effective April 18, 2014, and applicable April 8, 2014. The public comment period ends May 8, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Hanson, Environmental Protection Specialist, CHI–603, Federal Aviation Administration, Chicago Airport District Office, 2300 East Devon Avenue, Des Plaines, IL 60018. Telephone number: 847–294–7354.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the updated noise exposure maps submitted for Indianapolis International Airport (IND) are in compliance with applicable requirements of Title 14 Code of Federal Regulations (CFR) part 150, effective (Note 1). Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of 14 CFR part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the updated noise exposure maps and accompanying documentation submitted by Indianapolis International Airport (IND). The documentation that constitutes the ''noise exposure maps'' as defined in section 150.7 of Part 150 includes: Exhibit NEM–1, Existing (2013) Noise Exposure Map; Exhibit NEM–2, Future (2018) Noise Exposure Map; Table 1, Distribution of Average Daily Operations by Aircraft Type Existing (2013) Conditions; Exhibit 2, Noise Abatement Flight Paths (Day—7:00AM to 7:00PM); Exhibit 3, Noise Abatement Flight Paths (Evening and Night—7:00PM to 7:00AM); Exhibit 4, North Flow Large Passenger Jet INM Flight Tracks; Exhibit 5, North Flow Large Cargo Jet INM Flight Tracks; Exhibit 6, North Flow Regional/Air Taxi Jet INM Flight Tracks;

Exhibit 7, North Flow Propeller Aircraft INM Flight Tracks; Exhibit 8, South Flow Large Passenger Jet INM Flight Tracks; Exhibit 9, South Flow Large Cargo Jet INM Flight Tracks; Exhibit 10, South Flow Regional/Air Taxi Jet INM Flight Tracks; Exhibit 11, South Flow Propeller Aircraft INM Flight Tracks; Exhibit 12, Existing (2013) Noise Exposure Contour; Exhibit 13, Existing (2013) Noise Exposure Contour Compared to (Previous) Future 2008 NEM/NCP (from 2008 Update); Exhibit 14, INM Grid Point Locations; Exhibit 15, Future (2018) Noise Exposure Contour; Exhibit 16, Future (2018) Noise Exposure Contour compared to Existing (2013) Noise Exposure Contour; and Exhibit 17, Completed Land Use and Environmental Mitigation Program Boundaries.

The FAA has determined that these updated noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on April 3, 2014. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the full updated noise exposure map documentation and of the FAA's evaluation of the maps are available for examination, upon prior appointment during normal business hours, at the following locations: Indianapolis Airport Authority, 7800 Col. H. Weir Cook Memorial Drive, Indianapolis, Indiana 46241. Federal Aviation Administration, Chicago Airports District Office, 2300 E. Devon, Suite 320, Des Plaines, IL 60018.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Des Plaines, IL, April 8, 2014.

James G. Keefer,

Manager, Chicago Airports District Office, FAA Great Lakes Region.

[FR Doc. 2014–08914 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Utah

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation of Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed I–15; 24th Street Interchange project in Weber County in the State of Utah. These actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the FHWA actions on the highway project will be barred unless the claim is filed on or before September 15, 2014. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Ziman, Area Engineer, Region 1, FHWA Utah Division, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84129; telephone: 801–955–3525; email: *paul.ziman@dot.gov*. The FHWA Utah Division Office's normal business hours are 7:30 a.m. to 4:30 p.m. (Mountain Standard Time), Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency action subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the I–15; 24th Street Interchange project in the State of Utah. The I–15; 24th Street Interchange project proposes to provide transportation improvements at and around I–15 at the 24th Street exit in Weber County, Utah. The project consists of the following improvements: Construct an I–15 northbound on-ramp and a southbound off-ramp from 24th Street in a modified diamond configuration, where the southbound off-ramp is located on 2550 South, and the southbound on-ramp is located on Pennsylvania Avenue; construct northbound and southbound auxiliary lanes on I–15 between the 24th Street and 21st Street Interchanges; widen 24th Street from two lanes to four lanes from the planned intersection of 2550 South and Pennsylvania Avenue to 900 West; restripe 2550 South from two lanes to three lanes; construct a new alignment to the southeast of Midland Drive at Pennsylvania Avenue connecting to the intersection of 1900 West and Midland Drive comprised of four lanes, a center turn lane, paved shoulders, curb, gutter, parkstrip, and sidewalk; realign the access road for the Northern Utah Community Correctional Center to avoid conflicts with the northbound I–15 on-ramp; remove the railroad tracks beneath I–15 at 24th Street and construct additional track on Midland Drive and north of 24th Street. The actions by the FHWA and the laws under which such actions were taken are described in the Environmental Assessment (EA) and Section 4(f) Evaluation and in the Finding of No Significant Impact (FONSI) issued on December 6, 2013.

This notice applies to all FHWA decisions as of the issuance date of this notice and all laws under which such actions were taken. Laws generally applicable to such actions include but are not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351; Federal-Aid Highway Act [23 U.S.C. 109].
2. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d); Migratory Bird Treaty Act [16 U.S.C. 703–712].
3. Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11].
4. Noise: Federal-Aid Highway Act of 1970 [Pub. L. 91–605, 84 Stat. 1713].
5. Executive Orders: E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1)

Issued on: April 9, 2014.

Ivan Marrero,

Division Administrator.

[FR Doc. 2014–08735 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0415]

Agency Information Collection Activities; Revision of a Currently-Approved Information Collection Request: Request for Revocation of Authority Granted

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), FMCSA announces its plan to submit to the Office of Management and Budget (OMB) its request to revise a currently-approved information collection request (ICR) entitled, ''Request for Revocation of Authority Granted,'' covered by OMB Control Number 2126–0018. This ICR covers a voluntary request by a motor carrier, freight forwarder, or property broker to amend or revoke its FMCSA registration of authority granted. It is being revised due to an anticipated decrease in the estimated annual number of filings and costs to the respondents. FMCSA will seek OMB's review and approval of this revised ICR and invites public comment on this request.

DATES: Please send your comments by May 19, 2014. OMB must receive your comments by this date in order to act on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2013–0415. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Tura Gatling, Office of Registration and Safety Information, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–385–2405/2412; *email tura.gatling@dot.gov. mailto:* Office hours are from 8:00 a.m. to 5:00 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Request for Revocation of Authority Granted.

OMB Control Number: 2126–0018.

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

Respondents: Motor carriers, freight forwarders and property brokers.

Estimated Number of Respondents: 3,000.

Estimated Time per Response: 15 minutes.

Expiration Date: May 31, 2014.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 750 hours [3,000 annual Form OCE–46 filers × 15 minutes/60 minutes per filing = 750]

Background

Title 49 of the United States Code (U.S.C.) authorizes the Secretary of Transportation (Secretary) to promulgate regulations governing the registration of for-hire motor carriers of regulated commodities (49 U.S.C. 13902), surface transportation freight forwarders (49 U.S.C. 13903), and property brokers (49 U.S.C. 13904). The FMCSA carries out this registration program under authority delegated by the Secretary (49 CFR 1.87). Under 49 U.S.C. 13905, each registration is effective from the date specified and remains in effect for such period as the Secretary determines appropriate by regulation. Section 13905(d) of title 49, U.S.C., grants the Secretary the authority to amend or revoke a registration at the registrant's request. Based on a complaint, or on the Secretary's own initiative, the Secretary may also suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with the regulations, an order of the Secretary, or a condition of its registration.

Form OCE–46 is used by transportation entities to voluntarily apply for revocation of their registration authority in whole or in part. FMCSA uses the form to seek information concerning the registrant's docket number, name and address, and the reasons for the revocation request.

Comments from the Public: The FMCSA received no comment in response to the 60-day comment request Federal Register notice published on December 26, 2013 for this ICR (78 FR 78469).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: April 9, 2014.

G. Kelly Leone,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–08879 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0279]

Agency Information Collection Activities; Approval of a New Information Collection Request: Motorcoach Passenger Survey: Motorcoach Safety and Pre-Trip Safety Awareness and Emergency Preparedness Information

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. The FMCSA requests approval of a new ICR titled, ''Motorcoach Passenger Survey: Motorcoach Safety and Pre-Trip Safety Awareness and Emergency Preparedness Information (OMB Control Number 2126–XXXX),'' to assess the current levels of voluntary compliance by motorcoach operators and to obtain passenger opinions of the implementation of pre-trip safety awareness and emergency preparedness information. On May 15, 2013, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on the ICR. The Agency received no comments on the notice. In addition, on October 18, 2011, FMCSA published an initial emergency request and 30-day notice, and received no comments.

DATES: Please send your comments by May 19, 2014. OMB must receive your comments by this date in order to act on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2011–0279. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of

the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov*, or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Dee Williams, Chief, Compliance Division, Office of Enforcement and Compliance, (202) 366–1812, *dee.williams@dot.gov*, MC–PRS, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Ave. SE., Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Motorcoach Passenger Survey: Motorcoach Safety and Pre-Trip Safety Awareness and Emergency Preparedness Information.

OMB Control Number: 2126–XXXX.

Type of Request: New information collection.

Respondents: Motorcoach passenger trips.[1]

Estimated Number of Respondents: 3,200 motorcoach passenger trips.

Estimated Time per Response: 10 minutes maximum, with an average of 5 minutes for most respondents.

Form Numbers: Form MCSA–5868, Motorcoach Passenger Survey: Pre-Trip Safety Awareness and Emergency Preparedness Information—To collect motorcoach passengers' responses during one-of-five in-person survey events.

Expiration Date: N/A. This is a new information collection.

Frequency of Response: One-time.

Estimated Total Annual Burden: 533 hours [3,200 respondents × 10 minutes/60 minutes = 533 hours].

Background

Due to several recent fatal motorcoach crashes, the Congress, the Department of Transportation (DOT), specifically the Federal Motor Carrier Safety Administration (FMCSA) and other Federal oversight agencies, including the National Transportation Safety Board (NTSB), have increased their scrutiny over the motorcoach industry and the enforcement of and compliance with the Federal Motor Carrier Safety Regulations (FMCSRs). NTSB issued safety recommendations, H–99–007 and H–99–008, to the Department of Transportation (DOT), on February 26, 1999, requiring motorcoach operators to provide passengers with pre-trip safety awareness information. This recommendation resulted from NTSB's investigation of two motorcoach crashes from the late 1990s which revealed that passengers felt a general sense of panic, not knowing what to do on a motorcoach in the case of an emergency. The intent of the recommendation is to empower passengers to take their personal safety into their own hands in the event of an imminent hazard or emergency situation. The decision was made to implement the recommendation through voluntary adoption and compliance of pre-trip safety briefings in the motorcoach industry.

The goals and objectives of this survey are to assess the current levels of voluntary compliance by motorcoach operators and to obtain passenger opinions of the implementation of the pre-trip safety awareness and emergency preparedness information. The Form MCSA–5868 will be used to survey motorcoach passengers. This information, along with its conclusions, will not serve as a national estimate, but will provide the Agency a general sense of voluntary compliance and suggestions for improvement. FMCSA will use the information to determine whether further evaluation is needed to support future program, policy, and regulatory initiatives. As appropriate, the information will be presented to NTSB and Congress, while also contributing to the general literature regarding practices for improving motorcoach safety in the United States.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: April 7, 2014.

G. Kelly Leone,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–08872 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–EX–P

[1] A passenger trip is one passenger from a trip. The number of passenger trips may include one individual taking multiple motorcoach trips per year or even per day.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0099]

Agency Information Collection Activities; Revision of an Approved Information Collection Request: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: FMCSA, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The FMCSA requests approval to revise an existing ICR titled, ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,'' due to an increase in the annual cost to respondents. This ICR will allow for ongoing, collaborative and actionable communication between FMCSA and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

DATES: We must receive your comments on or before June 17, 2014.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2014–0099 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. 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.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

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 for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Ronk, Program Manager, FMCSA, Office of Enforcement and Program Delivery, Outreach Division/MC–ESO. Telephone (202) 366–1072; or email *brian.ronk@dot.gov.* Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

Mr. Jeff Loftus, Supervisory Transportation Specialist, Technology Division/MC–RRT, Office of Analysis, Research and Technology, Telephone (202) 385–2363; or email *jeff.loftus@dot.gov,* Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background: Executive Order 12862 ''Setting Customer Service Standards,'' direct Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector (58 FR 48257, Sept. 11, 1993). In order to work continuously to ensure that our programs are effective and meet our customers' needs, FMCSA seeks to obtain OMB approval of a generic clearance to collect qualitative feedback from our customers on our service delivery. The surveys covered in this generic clearance will provide a means for FMCSA to collect this data directly from our customers. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with FMCSA's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. It will also allow feedback to contribute directly to the improvement of program management. The responses to the surveys will be voluntary and will not involve information that is required by regulations.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2126–0049.

Type of Request: Revision of a currently-approved information collection.

Respondents: State and local agencies, general public and stakeholders, original equipment manufacturers (OEM) and suppliers to the commercial motor vehicle (CMV) industry, fleets, owner-operators, state CMV safety agencies, research organizations and contractors, news organizations, safety advocacy groups, and other Federal agencies.

Estimated Number of Respondents: 14,100.

Estimated Time per Response: Range from 5–30 minutes.

Expiration Date: September 30, 2014.

Frequency of Response: Generally, on an annual basis.

Estimated Total Annual Burden: 3,450.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: April 9, 2014.

G. Kelly Leone,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–08880 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0299; FMCSA–2011–0379; FMCSA–2011–0380]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 16 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective May 11, 2014. Comments must be received on or before May 19, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2011–0299; FMCSA–2011–0379; FMCSA–2011–0380], using any of the following methods:

- *Federal eRulemaking Portal*: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail*: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier*: 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.
- *Fax*: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the

docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 16 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 16 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Robert J. Ambrose (MA)
Robert L. Brauns (IA)
Bobby R. Brooks (GA)
Melvin D. Clark (GA)
Clifford W. Doran, Jr. (NC)
Ryan C. Dugan (NY)
Rojelio Garcia-Pena (MI)
Glenn C. Grimm (NJ)
Charles J. Kennedy (OH)
Ronnie D. Ownes (MO)
Richard A. Pucker (WI)
John M. Riley (AL)
Jeffery A. Sheets (AR)
Randy L. Stevens (GA)
Wade W. Ward (WY)
Jimmy S. Zamora, Jr. (TX)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 16 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (76 FR 73769; 77 FR 3547; 77 FR 15184; 77 FR 17109; 77 FR 27845; 77 FR 27850). Each of these 16 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 19, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 16 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of

the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2011–0299; FMCSA–2011–0379; FMCSA–2011–0380 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble. To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2011–0299; FMCSA–2011–0379; FMCSA–2011–0380 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: April 9, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–08854 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2002–12844; FMCSA–2003–16564; FMCSA–2005–22727; FMCSA–2006–23773; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2008–0021; FMCSA–2011–0380]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 25 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective May 12, 2014. Comments must be received on or before April 18, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2002–12844; FMCSA–2003–16564; FMCSA–2005–22727; FMCSA–2006–23773; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2008–0021; FMCSA–2011–0380], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 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.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 25 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 25 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Leo G. Becker (KS)
Stanley W. Davis (TX)
Sean O. Feeny (FL)
Jimmy G. Hall (NC)
Neil W. Jennings (MO)
Mark Meacham (NC)
Paul D. Schnautz (TX)
Robert F. Skinner, Jr. (NY)
Richard M. Smith (CO)
David N. Stubbs (MS)
Martin L. Taylor, Jr. (UT)
Gary R. Thomas (OH)
Kevin R. White (NC)
Timothy W. Bickford (ME)
Ray L. Emert (PA)
John W. Forgy (ID)
Julian R. Hall (TX)
Mark L. LeBlanc (MN)
David A. Miller (NE)
Steve J. Sherar (AZ)
William T. Smiley (MD)
Charles E. Stokes (FL)
Aaron S. Taylor (WI)
William B. Thomas (SC)
Michael J. Tisher (AK)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 25 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (67 FR 68719; 68 FR 2629; 68 FR 74699; 69 FR 10503; 69 FR 71100; 70 FR 71884; 71 FR 4632; 71 FR 6826; 71 FR 6829; 71 FR 19602; 72 FR 1053; 72 FR 67340; 73 FR 1395; 73 FR 5259; 73 FR 6242; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27015; 73 FR 76440; 75 FR 9480; 75 FR 13653; 75 FR 19674; 75 FR 22176; 77 FR 17109; 77 FR 23797; 77 FR 27845). Each of these 25 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 19, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 25 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2002–12844; FMCSA–2003–16564; FMCSA–2005–22727; FMCSA–2006–23773; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2008–0021; FMCSA–2011–0380 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, to submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2002–12844; FMCSA–2003–16564; FMCSA–2005–22727; FMCSA–2006–23773; FMCSA–2007–0017;

FMCSA–2007–0071; FMCSA–2008–0021; FMCSA–2011–0380 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: April 9, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–08847 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–21711; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2011–0379]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 11 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective May 21, 2014. Comments must be received on or before May 19, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management FMCSA–2005–21711; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2011–0379], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 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.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 11 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 11 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

David A. Brannon (FL)
Harvey H. Curtis, Sr. (MD)
Steven R. Felks (TX)
Herbert C. Hirsch (MO)
Michael D. Kilgore (TX)
Joseph J. Kushak (MI)
Douglas L. Norman (NC)
Christopher A. Reineck (OH)
Carroll R. Rogers (CA)
Wayne J. Savage (VA)
Marion Tutt, Jr. (GA)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 11 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (70 FR 48797; 70 FR 61493; 73 FR 6246; 74 FR 65842; 75 FR 9478; 75 FR 9480; 75 FR 14656; 75 FR

19674; 75 FR 22176; 75 FR 28684; 77 FR 15184; 77 FR 23797; 77 FR 23800; 74 FR 27850). Each of these 11 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 19, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 11 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2005–21711; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2011–0379 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2005–21711; FMCSA–2009–0011; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2011–0379 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: April 9, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–08857 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0002]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 58 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective April 18, 2014. The exemptions expire on April 18, 2016.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgement that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments

received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

Background

On February 25, 2014, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (79 FR 10606). That notice listed 58 applicants' case histories. The 58 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 58 applications on their merits and made a determination to grant exemptions to each of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 58 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, macular scar, refractive amblyopia, retinal scar, aphakia, prosthetic eye, traumatic optic neuropathy, mature cataract, Leber's hereditary optic neuropathy, exotropia, cataract, complete loss of vision, glaucoma, choroidal melanoma, enucleation, macular hole, HSV keratitis, strabismic amblyopia, corneal scar, ocular histoplasmosis, nystagmus, albinism, nuclear sclerotic cataract, optice nerve damage, high hyperopia, astigmatism, and alternating exotropia with left-sided fixation preference. In most cases, their eye conditions were not recently developed. Thirty-two of the applicants were either born with their vision impairments or have had them since childhood.

The twenty-six individuals that sustained their vision conditions as adults have had it for a period of 5 to 46 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 58 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision of careers ranging from 3 to 56 years. In the past 3 years, two of the drivers were involved in crashes and six were convicted for moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 25, 2014 notice (79 FR 10606).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber,

Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 58 applicants, two of the drivers were involved in crashes and six were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 58 applicants listed in the notice of February 25, 2014 (79 FR 10606).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 58 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received two comments in this proceeding. The comment is discussed below.

Lee Black is in favor of granting Jerry P. Lindesmith a vision exemption.

An anonymous commenter is in favor of granting David R. Knobloch a vision exemption.

Conclusion

Based upon its evaluation of the 58 exemption applications, FMCSA exempts Thomas R. Abbott (TN), John M. Alfano (MI), Corey L. Amans (WI), Bruce V. Anderson (MN), Alan A. Andrews (ME), Franklin D. Bailey (GA), Felipe Bayron (WI), Tomas Benavidez, Jr. (ID), Michael S. Broadway (OR), Gary A. Budde (IL), Darrell L. Canupp (MI), Mark W. Castleman (MN), Lorimer E. Christianson (IA), James R. Crum (IL), Travis C. Denzler (MN), Joseph O. Dickerson (MO), Charles S. Duvell (PA), David L. Dykes (FL), Daniel L. Fedder (IL), Edward A. Flitton (UT), Juan C. Gallo-Gomez (CT), Michael Giagnacova (PA), Andeberhan O. Gidey (WA), Christopher I. Goodwin (NC), Luis A. Gomez-Banda (NV), Kevin G. Karow (WI), David R. Knobloch (MI), Gregory L. Kockelman (MN), Perry T. Kolberg (GA), Mark A. La Fleur (MD), Dennis A. Lindner (ND), Jerry P. Lindesmith (OK), Jorge S. Lopez (CA), Thomas J. Mavraganis (IL), Douglas P. McEachern (MN), Merton H. Miller (MN), Charles R. Morris, Jr. (OH), John Murray (WA), Michael S. Nichols (GA), Dino J. Pires (CT), Anthony S. Poindexter (MO), William S. Pusey (MD), Joe A. Root (MN), Daryl A. Roskam (TN), Chance T. Rupert (OK), Phil N. Schad (MO), Glen A. Schroeder (SD), Eric E. Scott (UT), Robert L. Sharp (WA), Glen A. Showalter (OR), Michael D. Singleton (IN), John B. Theres (IL), Robert S. Waltz (ME), Ronald L. Walker (FL), Charles G. Warshun, Jr. (NY), Willard H. Weerts (IL), Vernon J. Wenger (IA), and Donald G. Wilcox, Jr. (OR) from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: April 9, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–08853 Filed 4–17–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 15, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before May 19, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for

Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov*.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov*.

Internal Revenue Service (IRS)

OMB Number: 1545–1349.

Type of Review: Revision of a currently approved collection.

Title: Cognitive and Psychological Research.

Abstract: The proposed research will improve the quality of the data collection by examining the psychological and cognitive aspects of methods and procedures such as: Interviewing processes, forms redesign, survey and tax collection technology and operating procedures (internal and external in nature).

Affected Public: Individuals or Households.

Estimated Burden Hours: 30,000.

OMB Number: 1545–1360.

Type of Review: Extension without change of a currently approved collection.

Title: TD 8612—Income, Gift and Estate Tax (PS–102–88).

Abstract: This regulation concerns the availability of the gift and estate tax marital deduction when the donee spouse or the surviving spouse is not a United States citizen. The regulation provides guidance to individuals or fiduciaries: (1) For making a qualified domestic trust election on the estate tax return of a decedent whose surviving spouse is not a United States citizen in order that the estate may obtain the marital deduction, and (2) for filing the annual returns that such an election may require.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 6,150.

OMB Number: 1545–1628.

Type of Review: Extension without change of a currently approved collection.

Title: TD 8855—Communications Excise Tax; Prepaid Telephone Cards (REG–118620–97).

Abstract: Carriers must keep certain information documenting their sales of prepaid telephone cards to other carriers to avoid responsibility for collecting tax. The regulations provide rules for the application of the communication excise tax to prepaid telephone cards.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 34.

OMB Number: 1545–1642.

Type of Review: Extension without change of a currently approved collection.

Title: TD 8853 (Final), Recharacterizing Financing Arrangements Involving Fast-Pay Stock.

Abstract: Section 1.7701(l)–3 recharacterizes fast-pay arrangements. Certain participants in such arrangements must file a statement that includes the name of the corporation that issued the fast-pay stock, and (to the extent the filing taxpayer knows or has reason to know) the terms of the fast-pay stock, the date on which it was issued, and the names and taxpayer identification numbers of any shareholders of any class of stock that is not traded on an established securities market.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 50.

OMB Number: 1545–1898.

Type of Review: Extension without change of a currently approved collection.

Title: Revenue Procedure 2004–47, Simplified Alternate Procedure for Making Late Reverse QTIP Election.

Abstract: This revenue procedure provides a simplified alternate procedure (in lieu of requesting a letter ruling) for certain executors of estates and trustees of trusts to request relief to make a late reverse qualified terminable interest property (QTIP) election under section 2652 of the Code.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 54.

OMB Number: 1545–2091.

Type of Review: Extension without change of a currently approved collection.

Title: TD 9512—Nuclear Decommissioning Costs.

Abstract: Statutory changes under section 468A of the Internal Revenue Code permit taxpayers that have been subject to limitations on contributions to qualified nuclear decommissioning funds in previous years to make a contribution to the fund of the previously-excluded amount. The final regulation provides guidance concerning the calculation of the amount of the contribution and the manner of making the contribution.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 2,500.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–08874 Filed 4–17–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Financial Research Advisory Committee

AGENCY: Office of Financial Research, Treasury.

ACTION: Financial Research Advisory Committee–Notice of Charter Renewal and Solicitation of Applications for Committee Membership.

SUMMARY: The charter for the Financial Research Advisory Committee has been renewed for a two-year period beginning April 4, 2014. The Office of Financial Research seeks applications from individuals who wish to serve on the Committee.

FOR FURTHER INFORMATION CONTACT: Andrea B. Ianniello, Designated Federal Officer, Office of Financial Research, Department of the Treasury, (202) 622–3002.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, (Pub. L. 92–463, 5 U.S.C. App. 2 § 1–16, as amended), the Treasury Department established a Financial Research Advisory Committee (Committee) to provide advice and recommendations to the Office of Financial Research (OFR) and to assist the OFR in carrying out its duties and authorities.

(I) Authorities of the OFR

The OFR was established under Title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub.L. 111–203, July 21, 2010). The purpose of the OFR is to support the Financial Stability Oversight Council (Council) in fulfilling the purposes and duties of the Council and to support the Council's member agencies by:

—Collecting data on behalf of the Council, and providing such data to the Council and member agencies;
—Standardizing the types and formats of data reported and collected;
—Performing applied research and essential long-term research;
—Developing tools for risk measurement and monitoring;
—Performing other related services;
—Making the results of the activities of the OFR available to financial regulatory agencies; and
—Assisting such member agencies in determining the types and formats of

data authorized by the Dodd-Frank Act to be collected by such member agencies.

(II) Scope and Membership of the Committee

The Committee was established to advise the OFR on issues related to the responsibilities of the office. It may provide its advice, recommendations, analysis, and information directly to the OFR and the OFR may share the Committee's advice and recommendations with the Secretary of the Treasury or other Treasury officials. The OFR will share information with the Committee as the Director determines will be helpful in allowing the Committee to carry out its role.

The Committee charter was renewed for a two-year term on April 4, 2014. The OFR is soliciting applications for membership on the Committee in order to provide for rotation of membership, as provided in its original and proposed renewed charter, as well as to provide for a diverse and balanced body with a variety of interests, backgrounds, and viewpoints represented. Providing for such diversity enhances the views and advice offered by the Committee.

(II) Application for Advisory Committee Appointment

Treasury seeks applications from individuals representative of a constituency within the fields of economics, financial institutions and markets, statistical analysis, financial markets analysis, econometrics, applied sciences, risk management, data management, information standards, technology, or other areas related to OFR's duties and authorities. The terms of members chosen to serve may vary from one to three years. No person who is a Federally-registered lobbyist may serve on the Committee. Membership on the Committee is limited to the individuals appointed and is non-transferrable. Regular attendance is essential to the effective operation of the Committee. Some members of the Committee may be required to adhere to the conflict of interest rules applicable to Special Government Employees, as such employees are defined in 18 U.S.C. section 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731).

To apply, an applicant must submit an appropriately-detailed resume and a cover letter describing their interest, reasons for application, and qualifications. In accordance with Department of Treasury Directive 21–03, a clearance process includes fingerprints, tax checks, and a Federal Bureau of Investigation criminal check. Applicants must state in their application that they agree to submit to these pre-appointment checks.

The application period for interested candidates will close on April 25, 2014. Applications should be submitted in sufficient time to be received by the close of business on the closing date and should be sent to *Andrea.B.IannielloOFR@treasury.gov* or by mail to: Office of Financial Research, Department of the Treasury, Attention: Andrea B. Ianniello, 1500 Pennsylvania Avenue NW., MT–1330, Washington, DC 20220.

Dated: April 10, 2014.

Barbara Shycoff,

Chief of External Affairs.

[FR Doc. 2014–08905 Filed 4–17–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

State Small Business Credit Initiative; Notice of Availability of Revised Policy Guidelines and National Standards

AGENCY: State Small Business Credit Initiative (SSBCI), Department of the Treasury.

ACTION: Notice of document availability.

SUMMARY: This Notice announces the availability of revised *SSBCI Policy Guidelines* and *SSBCI National Standards for Compliance and Oversight.*

DATES: *Effective Date:* April 18, 2014.

ADDRESSES: Copies of the document are available at the SSBCI Web site at *www.treasury.gov/ssbci.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Deputy Director, SSBCI, Department of the Treasury, 655 15th Street NW., Washington, DC 20220.

SUPPLEMENTARY INFORMATION: SSBCI was created under the Small Business Jobs Act of 2010 (Pub. L. 111–240) (the ''Act'') to help establish and strengthen state programs that support lending to small businesses. Under SSBCI, all states, territories, the District of Columbia, and eligible municipalities (collectively, ''Participating States'') could apply for and receive an allocation of SSBCI funds to design and implement programs to expand access to capital to small businesses. Treasury published the *SSBCI Policy Guidelines* (''*Policy Guidelines*'') and *SSBCI National Standards for Compliance and Oversight* (''*National Standards*''), which are applicable to all Participating States as they implement their SSBCI programs. The *Policy Guidelines* articulate program rules and the *National Standards* provide Participating States with a recommended framework for identifying, monitoring, and managing SSBCI compliance and oversight risks. Since the documents were initially published, Treasury has clarified certain program rules regarding conflicts of interest in Venture Capital Programs and is now issuing revised guidelines and standards to reflect the clarifications. Specifically, the revisions to the *Policy Guidelines* clarify: (1) The certifications that must be obtained from financial institution lender or non-financial institution lender if the business is receiving the benefit of SSBCI funds through an Other Credit Support Program that is not an SSBCI Venture Capital Program; (2) the certifications that must be obtained from financial institution lender or non-financial institution lender if the business is receiving the benefit of SSBCI funds through an an SSBCI Venture Capital Program. The revisions to the *National Standards* clarify (1) the conflict of interest rules that apply to SSBCI Venture Capital Programs. The *Policy Guidelines* and *National Standards* are available on Treasury's Web site at *www.treasury.gov/ssbci.*

Dated: April 14, 2014.

Clifton G. Kellogg,

Director, State Small Business Credit Initiative.

[FR Doc. 2014–08904 Filed 4–17–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable On Federal Bonds: Starr Indemnity & Liability Company

AGENCY: Bureau of the Fiscal Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 6 to the Treasury Department Circular 570, 2013 Revision, published July 1, 2013, at 78 FR 39440.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued under 31 U.S.C. 9305 to the following company:

Starr Indemnity & Liability Company (NAIC #38318)

BUSINESS ADDRESS: 399 Park Avenue, 8th Floor, New York, NY 10022.

PHONE: (646)227–6400. UNDERWRITING LIMITATION b/: $186,511,000. SURETY LICENSES c/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE., NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY INCORPORATED IN: Texas

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 (''Circular''), 2013 Revision, to reflect this addition.

Certificates of Authority expire on June 30th each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (*see* 31 CFR part 223). A list of qualified companies is published annually as of July 1st in the Circular, which outlines details as to the underwriting limitations, areas in which companies are licensed to transact surety business, and other information.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570*.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Bureau of the Fiscal Service, Financial Accounting and Services Branch, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: April 11, 2014.

Kevin McIntyre,

Manager, Financial Accounting and Services Branch.

[FR Doc. 2014–08908 Filed 4–17–14; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable On Federal Bonds: ACE American Insurance Company (NAIC # 22667), ACE Property and Casualty Insurance Company (NAIC# 20699), Bankers Standard Insurance Company (NAIC# 18279), Indemnity Insurance Company of North America (NAIC# 43575), Insurance Company of North America (NAIC# 22713)

AGENCY: Bureau of the Fiscal Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 7 to the Treasury Department Circular 570, 2013 Revision, published July 1, 2013, at 78 FR 39440.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued under 31 U.S.C. 9305 to the following companies:

ACE American Insurance Company (NAIC # 22667). BUSINESS ADDRESS: 436 Walnut Street, P.O. Box 1000, Philadelphia, PA 19106. PHONE: (215) 640–1000. UNDERWRITING LIMITATION b/: $267,699,000. SURETY LICENSES c/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

ACE Property and Casualty Insurance Company (NAIC # 20699). BUSINESS ADDRESS: 436 Walnut Street, P.O. Box 1000, Philadelphia, PA 19106. PHONE: (215) 640–1000. UNDERWRITING LIMITATION b/: $192,047,000. SURETY LICENSES c/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE., NV, NH, NJ, NM, NY, NC, ND, OH, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI. INCORPORATED IN: Pennsylvania.

Bankers Standard Insurance Company (NAIC # 18279). BUSINESS ADDRESS: 436 Walnut Street, P.O. Box 1000, Philadelphia, PA 19106. PHONE: (215) 640–1000. UNDERWRITING LIMITATION b/: $13,206,000. SURETY LICENSES c/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SD, TN, TX, UT, VT, VA, WA, WI, WY. INCORPORATED IN: Pennsylvania.

Indemnity Insurance Company of North America (NAIC # 43575). BUSINESS ADDRESS: 436 Walnut Street, P.O. Box 1000, Philadelphia, PA 19106. PHONE: (215) 640–1000. UNDERWRITING LIMITATION b/: $10,534,000. SURETY LICENSES c/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Insurance Company of North America (NAIC # 22713). BUSINESS ADDRESS: 436 Walnut Street, P.O. Box 1000, Philadelphia, PA 19106. PHONE: (215) 640–1000. UNDERWRITING LIMITATION b/: $18,284,000. SURETY LICENSES c/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 (''Circular''), 2013 Revision, to reflect these additions.

Certificates of Authority expire on June 30th each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (*see* 31 CFR part 223). A list of qualified companies is published annually as of July 1st in the Circular, which outlines details as to the underwriting limitations, areas in which companies are licensed to transact surety business, and other information.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570.*

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Bureau of the Fiscal Service, Financial Accounting and Services Branch, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: April 9, 2014.

Kevin McIntyre,

Manager, Financial Accounting and Services Branch.

[FR Doc. 2014–08899 Filed 4–17–14; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

United States Mint

Agency Information Collection Activity; Proposed Collection; U.S. Coinage Practices

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice and comment.

SUMMARY: The United States Mint, a bureau of the Department of the Treasury, is announcing an opportunity for public comment on the proposed collection of certain information regarding the public's use of U.S. coins with special emphasis on low denomination coins. Under the Paperwork Reduction Act of 1995 (PRA), agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for

public comment in response to the notice. This notice solicits comments on a proposed information collection concerning U.S. coinage practices as required to determine the public's interest according to the Coin Modernization, Oversight, and Continuity Act of 2010 (Pub. L. 111–302).

DATES: Submit either electronic or written comments on the collection of information by 60 days after the notice is published.

ADDRESSES: Submit electronic comments on the collection of information *U.S.CoinagePractices@usmint.treas.gov*. Submit all written comments to U.S. Coinage Practices; Office of Coin Studies; United States Mint; 801 9th Street NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Yvonne Pollard; Compliance Branch; United States Mint; 801 9th Street NW., 6th Floor; Washington, DC 20220; 202–354–8400 (this is not a toll-free number); *YPollard@usmint.treas.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 of the proposed collection of information before submitting the proposed collection of information to OMB for approval. To comply with this requirement, we are publishing notice of the proposed collection of information described in this document.

With respect to the following collection of information, the United States Mint invites comments on—(1) Whether the proposed collection of information is necessary for the proper performance of the United States Mint's functions, including whether the information will have practical utility; (2) the accuracy of the United States Mint's estimate of the burden of the proposed collection, 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.

U.S. Coinage Practices Survey

The Coin Modernization, Oversight, and Continuity Act of 2010, Public Law 111–302, section 2(b)(3), authorizes the Secretary of the Treasury to consider such factors he deems appropriate and in the public interest when preparing a report and recommendations to Congress with respect to the nation's circulating coins.

Understanding the public's use and perception of United States circulating coins and coin usage is necessary for the United States Mint to carry out its mission to mint and issue circulating coins in amounts that the Secretary of the Treasury determines are necessary to meet the needs of the United States and to prepare recommendations to Congress as authorized by Public Law 111–302. The information collected will cover the following topics, with special emphasis on low denomination coins:

1. Use of coins as payment,
2. general payment preferences,
3. general awareness concerning low denomination coins,
4. attitudes regarding potential changes in coinage,
4. the use of rounding retail transactions, and
6. demographic characteristics.

The data will be used to understand the public's use and perception of specific U.S. circulating coinage for the purpose of analyzing options and proposing recommendations for possible changes to the nation's circulating coins.

To obtain this information, the United States Mint will conduct a nationally representative random-digit-dial (RDD) survey of 1,000 U.S. adults. The proposed survey will include both landline (700 interviews) and cellular (300 interviews) telephones. Interviewing will be conducted in both English and Spanish. The questionnaire should take 12 minutes to complete, including two minutes to screen for eligible participants (adults in the cellular telephone sample, the adult with the most recent birthday in the household in the landline telephone survey). The United States Mint estimates the burden of this collection of information will be as described in the table below.

Survey component	Estimated time to complete (minutes)	Population	Total burden (hours)
Screener	2 minutes	1250	41.67
Main survey	10 minutes	1000	166.67

Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval.

Authority: 31 U.S.C. 5112(p)(3)(A); Pub. L. 111–302, section 2(b)(3).

Dated: April 11, 2014.

Richard A. Peterson,

Deputy Director, United States Mint.

[FR Doc. 2014–08930 Filed 4–17–14; 8:45 am]

BILLING CODE P

Reader Aids

Federal Register

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Friday, April 18, 2014

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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/.**

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